

**TOWN OF CHATHAM**  
488 State Route 295, Chatham, New York 12037

**TOWN BOARD MEETING**  
May 17, 2018 6:00 PM

**PRESENT:** Supervisor Maria Lull, Councilman Bob Balcom, Councilman Kevin Weldon, Councilwoman Landra Haber, Councilman John Wapner and Deputy Town Clerk, Janie Miller

**CALL TO ORDER:** Supervisor Lull called the meeting to order at 6PM and Councilwoman Haber led the pledge to the flag.

**CORRESPONDENCE**

- Letter from Doreen Hollisopple, NYS Department of Transportation approving the Albany Turnpike Road Traffic Signal.

**PUBLIC COMMENT STATEMENT**

The Chatham Town Board appreciates information received from the public during the Public Comment portion of each meeting, which often is very helpful in the governance of the Town. It is, however, not intended to be a debate with the public or a question and answer period. Issues raised during the public comment may be addressed by the Board during its regular meeting or by the Supervisor between meetings as necessary. As a courtesy to the other members of the public, there is a 5 minute per person limitation on oral comments for each public comment period. The public is also encouraged to provide the Board with written comments or materials when the subject matter cannot be presented in this time frame. Of course, while the Board discourages any remarks which may be considered defamatory or stigmatizing, it will not restrict the content of the public comment.

**SUB-COMMITTEE REPORTS**

- Recreation & Parks Committee: Wapner spoke about the summer camp moving along. Mike West has a temporary holding tank for the gardens. Wapner was concerned about which fund the money would be coming from for improvements. Lull said it would be the contingency fund. Wapner feels that the Crellin Park sign should be clearer. There is new interest in putting a bike trail at Crellin Park or at the Town Hall. A bike store owner would like to promote it. They

are forming a group in charge. The tennis court has cracks in it and needs repair. Checking on prices for that. Wapner has an estimate of five to seven thousand to fix it. Need to pass a resolution for Park Day on Saturday August 4.

- Citizens Finance and Planning Committee: Balcom and Sal Ferlazzo spoke about having a purpose for which fund you take out of. With the four different funds it restricts you of the one you use. Just want to be cautious.
- Comprehensive Plan Implementation Committee: Balcom finished the power point presentation. Nan Stolzenburg has documented what was accomplished. There is a special meeting June 6<sup>th</sup>. Committee will be pushing forward with subdivision, which will take few months.
- Climate Smart Community Committee: Weldon reported that a new person for DEC will be coming in. They are working on proposing a grant for the highway department for the street light program. Electric charging station is up and running and certified as a clean energy unit. Town Board is qualified for a \$35,000 dollar grant which will take about a month. Meeting in July at Elizabeth Marks house for a potential project of net zero. Committee looking for additional committee members.
- Communications Committee: Lull stated the Beth Anne Rippel sent a proposal for a website and e-mail.

## **REPORTS**

- Highway Department – on file
- Assessor
- Code Enforcement/Building Inspector
- Dog Control
- Environmental Management Council
- Finance Department Report
- Justice Court – on file
- Office of the Aging Advisory Board

- Recreation Director – on file
- Supervisor’s Report
- Town Accounting firm – Monthly Financial Report & Abstract
- Town Attorney
- Town Clerk

**NEW BUSINESS**

- Rules & Regulations for Town Facilities Use
- Fund Balance Policy-
- Capital Reserve Fund Account establishing
  - Town Hall Properties
  - Town Park Facilities
  - Town Highway Vehicle & Equipment
  - Contingency & Tax Stabilization (unexpected legal expense or other problems that would cause a tax increase).

**OLD BUSINESS**

- Department of Transportation approved project Albany Turnpike Road Traffic Signal. Town is receiving a funding of \$25,000.
- Local Law 2 of 2018 on timbering include with new zoning code. Attorney modified the first new zoning code.
- Stonykill Disc Golf agreement- Eugene Gierka agreed to everything in the contract of rules & regulations for Town facilities use except he thought the \$5.00 fee was too much. He hoped the Town Board would consider \$1.00.
- Special Town Board Meeting, June 6, 2018 at 6 PM for Public Information on new zoning code presented by Nan Stolzenburg, Town Planner.

Councilwoman Haber spoke of the modified roundabout in North Chatham to slow down traffic and deter big trucks coming from Route 32.

**Resolution 67-2018** to accept the bid for the remediation of the Green Brook culvert project.

WHEREAS, the Town Board of the Town of Chatham has approved the remediation of the Green Brook culvert on the town owned property located on the abandoned railroad bed and Riders Mills Road based upon a grant through Trout Unlimited Inc.

in the amount of \$287,280.00 from New York State Economic Development Corporation, known as the Green Brook Culvert Removal Project, and WHEREAS, Trout Unlimited has had engineering plans prepared to remove a culvert and restore the natural channel to a stream on the Green Brook in the Town of Chatham. This project will stabilize the banks of the Green Brook reducing sediment loading and restore the natural flow of the stream promoting sediment transport and aquatic connectivity, and WHEREAS, the Town Board approved the Trout Unlimited, Inc. request for proposal and letting of bids, and WHEREAS, Mitchison and Sons, Inc. were the only company to bid on the project at a cost of \$208,914.53, and NOW, THEREFORE, BE IT RESOLVED that the Town Board authorizes Mitchison and Sons, Inc. the Green Brook Culvert Removal Project on the abandoned railroad bed and Riders Mills Road in the amount of \$208,914.53. Offered by Councilwoman Landra Haber motioned to accept the bid for the remediation of the Green Brook culvert project. Councilman John Wapner seconded.

**VOTE**

AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None Resolution adopted

**Resolution 92-2018** to accept the financial Abstract as present to pay the Town's bills. Motion to approve resolution by: Councilman Bob Balcom Seconded by: Councilwoman Landra Haber

**VOTE**

AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None Resolution adopted

**Resolution 93-2018** to accept the town accountant's financial report of April 30, 2018. Motion to approve resolution by: Councilwoman Landra Haber Seconded by: Councilman John Wapner

**VOTE**

AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None Resolution adopted

**Resolution 94-2018** to approve the minutes of the Town Board Meeting(s) of April 19, 2018.

Motion to approve resolution by: Councilman Kevin Weldon Seconded by: Councilwoman Landra Haber

**VOTE**

AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None Resolution adopted

**Resolution 95-2018** to approve and authorized Town Supervisor to sign agreement with the Department of Transportation for the PIN 8761.98 Albany Turnpike Road Traffic Signal.

Authorizing the implementation, and funding in the first instance 100% of the federal-aid [and State “ Marchiselli” Origran-aid] eligible costs, of a transportation federal-aid project, and appropriating funds therefore.

WHEREAS, a Project for the Town of Chatham, Albany Turnpike Road Traffic Signal PIN 8761.98 ( the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 0% Federal funds and 100% non-federal funds; and WHEREAS, the Town of Chatham desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Preliminary Engineering .NOW, THEREFORE, the Chatham Town Board, duly convened does hereby RESOLVE, that the Chatham Town Board hereby approves the above-subject project; and it is hereby further RESOLVED, that the Chatham Town Board hereby authorizes the Town of Chatham to pay in the first instance 100% of the federal and non-federal share of the cost of Preliminary Engineering work for the Project or portions thereof; and it is further RESOLVED, that the sum of \$25,000 is hereby appropriated from DB 9950 [or, appropriated pursuant to capital projects fund] and made available to cover the cost of participation in the above phase of the Project; and it is further RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Chatham Town Board shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the Town Supervisor thereof, and it is futher RESOLVED, that the Supervisor of the Town of Chatham be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and /or applicable Marchiselli Aid on behalf of the Town of Chatham with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding

of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further RESOLVED, that in addition to the Supervisor the following municipal titles: Commissioner of Public Works, Town Engineer, Town Comptroller, Town Supervisor are also hereby authorized to execute any necessary Agreements or certifications on behalf of the Municipality/Sponsor, with NYSDOT in connection with the advancement or approval of the project identified in the State/Local Agreement; RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further RESOLVED, this Resolution shall take effect immediately.

DISCUSSION: Councilman John Wapner was concerned about the town being responsible.

Motion made by Councilman Kevin Weldon Seconded by:  
Councilwoman Landra Haber

VOTE: AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None  
Resolution adopted

**Resolution 96-2018** to establish a Fund Balance Policy.

WHEREAS, the Town Board of the Town of Chatham has determined that it is essential that the town government maintain adequate levels of fund balance to mitigate current and future risks (e.g., revenue shortfalls and unanticipated expenditures) and to ensure stable tax rates, and

WHEREAS, the proposed Chatham Fund Balance Policy is based upon recommendations from the New York State Comptroller that each municipality have a written Fund Balance Policy based on GASB 54 recommendations issued April of 2011, and

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves and institutes the following Fund Balance Policy effective as of May 17, 2018:

#### PURPOSE OF POLICY

This Fund Balance Policy is based upon recommendations from the New York State Comptroller that each municipality have a written fund balance policy based on GASB 54 recommendations issued April of 2011.

This Fund Balance Policy is to guide the Town Board in funding adequate reserves to provide the capacity to:

- ensure sufficient cash flow for daily financial requirements;
- guard against significant economic downturns;
- protect against unforeseen expenditures related to emergencies;
- maintain investment grade bond ratings; and,
- provide a framework to help guide budgetary decisions.

This **Fund Balance Policy** applies to the following funds:

- General Town-wide Fund (A),
- General Part-Town Fund (B - outside Village),
- Highway Town-wide Fund (DA), and,
- Highway Part-Town Fund (DB - outside Village).

#### **FISCAL SOUNDNESS: SURPLUS/DEFICITS and FUND BALANCE**

The concept of “fund equity” represents the total of the Town’s assets, this includes **reserved and unreserved** fund balances. These fund balances are not shown in the annual Town budget document, but it is important to find out about them and their size relative to the budget as a whole.

**Reserved fund balance** represents assets (money) set aside for specific purposes. For example, snow removal equipment replacement and other specific capital expenditures. These funds are unavailable for any other use.

**Unreserved fund balance** represents the amount after subtracting the reserved fund balance from the total fund equity. Unreserved fund balances are used to manage short-term variations in actual revenues and expenditures from one year to another, to protect against risks and other potential budget shortfalls, and to assure a consistent cash flow for the Town so it can pay its bills throughout the year.

The amount of the unreserved fund balance is the bottom-line indicator of Town's fiscal health: if it dips below zero for any year, that means the Town does not have enough unreserved fund balance to cover all necessary expenses – even if the Town's total fund equity (including dedicated reserves) for that year is still positive.

**This Fund Balance Policy** is to guide the Town Board in maintaining reasonable **unreserved fund balance** in the **General Fund** and the **Highway Fund** against unanticipated expenditures or revenue shortfalls. The New York State Government Finance Officers' Association recommends that municipalities maintain an **unreserved fund balance** of at least two months of **annual total appropriations** as insurance against unanticipated expenditures or revenue shortfalls. [Note: 2 months is equal to 17% of annual total expenditures).

## **CLASSIFICATIONS**

**Nonspendable fund balance** (806 & 807) consists of assets that are inherently nonspendable in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, financial assets held for resale, and principal of endowments.

**Restricted fund balance** consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by creditors,

grantors, contributors, or laws and regulations of other governments, or through constitutional provisions or enabling legislation.

Examples: Capital Reserve; Reserve for Tax Stabilization; Workers' Compensation Reserve; Unemployment Insurance Reserve; Retirement Contribution Reserve.

**Committed fund balance** (913) consists of amounts that are subject to a purpose constraint imposed by a formal action of the government's highest level of decision-making authority before the end of the fiscal year, and that require the same level of formal action to remove the constraint.

**Assigned fund balance** (914 & 915) consists of amounts that are subject to a purpose constraint that represents an intended use established by the government's highest level of decision-making authority, or by their designated body or official. The purpose of the assignment must be narrower than the purpose of the General Fund, and in funds other than the General Fund, assigned fund balance represents the residual amount of fund balance.

**Unassigned fund balance** (917) represents the residual classification for the government's General Fund, and could report a surplus or deficit. In funds other than the General Fund, the unassigned classification should be used only to report a deficit balance resulting from overspending for specific purposes for which amounts had been restricted, committed, or unassigned.

## **PROCEDURES**

1. When resources are available from multiple classifications, the Town spends funds in the following order: restricted, committed, assigned, unassigned.
2. The Town Board is the decision-making authority that can commit fund balance. The action to commit fund balance must occur prior to the fiscal year-end in order to report such commitments in the financial

statements of the respective period. The commitment may only be modified by a resolution authorized by the Town Board. [Note: <https://osc.state.ny.us/localgov/pubs/releases/gasb54.pdf> - page 4]

3. The Town Supervisor has been authorized to assign “unrestricted fund balance” amounts (defined as the total of the committed, assigned, and unassigned fund balance classifications) where the Town’s intent is for those amounts to be used for specific purposes. This delegation of authority is for the sole purpose of reporting these amounts in the annual financial statements. [Note:

<https://osc.state.ny.us/localgov/pubs/releases/gasb54.pdf> - page 4]

4. Whereas local governments may carry over a reasonable amount of “unrestricted fund balance” (defined as the total of the committed, assigned, and unassigned fund balance classifications) from one year to the next, the Town Board is to apply the following guidelines as they apply to assigned and unassigned fund balances:

**Highway Town-wide Fund (DA) - Unassigned Unappropriated Fund Balance (914)**

The Town Board shall give consideration in striving to maintain an Assigned Fund Balance (914) in the Highway Part-Town Fund of not less than 15% and not more than 25% of the of the appropriations of the current year's budget. .

**Highway Part Town Fund (DB) - Unassigned Unappropriated Fund Balance (915)**

The Town Board shall give consideration in striving to maintain an Unassigned Fund Balance (915) in the Highway Part-Town Fund Unappropriated Fund Balance of not less than 40% of the appropriations of the current year's budget. Any fund balance above 40% shall be placed in a Capital Reserve fund for Highway Vehicles and Equipment. If the unassigned fund balance should go below 30% of the appropriations of the current year's budget. The town board shall develop a three year plan to return the fund balance to 40%.

**General Town-wide Fund (A) and Part-Town Fund (B) - Unassigned Fund Balance (917)**

The Town Board shall give consideration in striving to maintain an **Unassigned Fund Balance (917)** of not less than 15% and not more than 25% of the of the appropriations of the current year's budget in the General Town-wide and Part-Town Funds accordingly.

In the event that unexpended surplus funds exceed 25% of the appropriations of the current year's budget in the General Town-wide Fund, the excess shall be placed into one or all of the following Capital Reserve Funds; Capital Reserve Fund for Crellin Park, Capital Reserve Fund for Town Buildings, and Capital Reserve Fund for Tax Stabilization.

In the event that unexpended surplus funds fall below 8% of the prior year appropriations in the General Town-wide Fund, the Town Supervisor shall make a recommendation to the Town Board to restore the balance to the minimum level over a period not to exceed **three** years.

5. The Town Supervisor shall report the amount and percentage of applicable fund unexpended surplus funds to the Town Board upon completion of the Annual Update Document (AUD) each year.

Motion Made by Councilwoman Landra Haber Seconded by Councilman Kevin Weldon

**VOTE:** AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None  
Resolution adopted

**Resolution 97-2018** to establish Capital Reserve Fund Accounts – on hold per review by Citizen’s Finance & Planning Committee.

**Resolution 98-2018** to adopt Rules and Regulations for Crellin Community Park, Stonykill Disc Golf Course & all Town facilities.

WHEREAS, the Town of Chatham had established limited rules and regulations for only Crellin Community Park, and

WHEREAS, the said rules and regulations did not apply to other Town facilities, and

WHEREAS, broader Rules and Regulations were developed to expand coverage to the Stonykill Disc Golf Course and all Town facilities, and

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Chatham does hereby approve and adopt the Recreation Department Crellin Community Park, Stonykill Disc Golf Course and all Town Facilities Rules and Regulations for Facility Use as of May 17, 2018.

Motion Made by Councilman Kevin Weldon Seconded by Councilwoman Landra Haber

VOTE: AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None  
Resolution adopted

**Resolution 99-2018** to approve a Special Town Board Meeting on Wednesday, June 6, 2018 at 6 PM at the Tri-Village Fire Company for a Public Information presentation by Town Planner, Nan Stolzenburg, on the new town zoning code.

WHEREAS, the Town of Chatham has been working on a new zoning code since the completion of the Comprehensive Plan in 2009, and

WHEREAS, the Town Board wishes to conduct a Public Information meeting to be presented by the Town Planner, Nan Stolzenburg, on Wednesday June 6, 2018 at 6 PM at the Tri-Village Fire Company, 111 County Route 13, Old Chatham, NY, and

THEREFORE, the Chatham Town Board approves the Public Information meeting to be presented by the Town Planner, Nan Stolzenburg, on Wednesday, June 6, 2018 at 6 PM at the Tri-Village Fire Company, 111 County Route 13, Old Chatham, NY.

Motion Made by Councilman Bob Balcom Seconded by Kevin Weldon

VOTE: AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None  
Resolution adopted

**Resolution 100-2018** request to accept sole bid of used flatbed truck.

WHEREAS, the Town of Chatham Superintendent of Highways has received a sole bid for (One) Used 2008 International 4400 SBA cab chassis and flatbed body to be used as a calcium truck for Town Highways, and

WHEREAS, the Town of Chatham Highway Department has an Unassigned Fund Balance from 2017 in the amount of \$564,074.00, and

NOW THEREFORE, BE IT RESOLVED, that the Town Board accepts the bid for (One) Used 2008 International 4400 SBA cab chassis at \$17,500.00 and flatbed body at \$6,200.00 from Ben Funk, 3609 Route 9, Hudson, NY for the total sum of \$23,700.00 paid with money from the 2017 “DB” Unassigned Fund Balance.

Motion Made by Councilman John Wapner Seconded by Councilwoman Landra Haber

VOTE: AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None  
Resolution adopted

**Resolution 101-2018** request to purchase Tractor/Mower.

WHEREAS, the Chatham Town Board accepts the Contract price through NYS Ag Tractors and Implements Contract (#PC67140) for (One) John Deere 5100M Tractor from Deere & Company, for the sum of \$61,176.97, and

WHEREAS, the Chatham Town Board accepts the Contract price through NJPA (National Joint Powers Alliance Program) for (One) John Deere 5100E Mower from Hudson River Tractor, for the sum of \$49,467.00, and

THEREFORE, be it resolved that the Chatham Town Board accepts the Contract prices (One) John Deere 5100M Tractor and (One) John Deere 5100E Mower for the total cost of \$110,643.97 and shall be purchased with a 2018 (5-yr.) BOND Note.

Motion Made by Councilman Bob Balcom Seconded by Councilman John Wapner

VOTE: AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None  
Resolution adopted

**Resolution 102-2018** to approve Memorandum of Understanding between the Town of Chatham and New York State Police.

WHEREAS, the Town owns fee simple title to Real Property known along County Route 295 in the Town of Chatham under Tax No. 56.-1-51.112, including a proposed 3 acre parcel located to the North of the Town Hall separated by a dirt lane formerly known as Birge Hill Road in a 3 acre Industrial Zone (hereinafter the PROPERTY) and

WHEREAS, the Town has entered into preliminary negotiations with the New York State Police for the transfer of the PROPERTY for use as a New York State Police Barracks/Station serving the Town of Chatham.

NOW, THEREFORE, it is hereby

RESOLVED that the Town Supervisor is authorized to execute on behalf of the Town the Memorandum of Understanding with New York State Police attached hereto.

Motion Made by Councilwoman Landra Haber Seconded by Councilman Kevin Weldon

VOTE: AYE: Lull, Haber, Wapner, Balcom, Weldon NAY: None  
Resolution adopted

**PUBLIC COMMENT**

Brian Haner has been speaking to Mike West of his interested in the bike trails at Crellin Park or Stonykill Disc Golf Course. John Wapner stated they will bring the proposal to the town at the June 19<sup>th</sup> meeting.

Emelia Teasdale was asking who was covering the cost of the lights and traffic signal at Route 295 in East Chatham and when they are starting the project.

### **EXECUTIVE SESSION**

On a motion by Lull, seconded by Balcom and carried, the Town Board entered executive session at 7:40 in accordance with Public Officers Law §105 (d) for the purpose of discussing Sonoco Crellin tax assessments.

Motion was made by Lull, seconded Haber and carried to leave executive session at 7:44.

**MOTION TO ADJOURN:** On a motion by Councilman Kevin Weldon and seconded by Councilwoman Landra Haber, the meeting was adjourned at 7:45 P M. Motion was carried,

Respectfully submitted by,

Janie Miller Deputy Clerk