

REGULAR MEETING-BOARD OF TRUSTEES-MAY 20, 2008-7:00 P.M.

PRESENT: ERNEST W. MARTIN, MAYOR; TRUSTEES – JOHN BASILE, KENNETH BAKER, RAYMOND WALKER, JOHN MURPHY

ALSO PRESENT: ATTORNEY, JAMES PELUSO; BUILDING CODE OFFICER, LYNN GOMAN; FIRE CHIEF, SHANE MAHAR; SUPT. OF PUBLIC WORKS, ROBERT GERASIA

SPECIAL GUESTS: JASON RICH, FRANK RUSSELL III, SCOTT RONDA

Mayor Martin called the meeting to order at 7:00 P.M. and led the Pledge to the Flag.

PRESENTATIONS:

Jason Rich presented plans to build a two story, 5,000 sq. foot building on his property at 330 Hudson Ave. The building will include offices and warehouse space with 3-6 employees in the office daily. Discussion was held on the location and impact on traffic and drainage. Mr. Rich was advised a site plan review was necessary followed by a public hearing.

Frank Russell III resubmitted his plans for Phase II of his apartment complex. Original called for a single 8-unit building but now the plan is to build 2 4-unit buildings. Questions were answered on the reason for the change.

MOTION to approve the revised plans to construct 2 4-unit buildings made by Trustee Murphy, seconded by Trustee Walker

Motion carried 4-0

Scott Ronda has purchased 2 lots at 299-301 Hudson Ave, demolished the existing buildings, and would like to build 2 new 2-family structures on the properties with plans that include extending the sidewalk. Mr. Ronda requested an application for a Special Use Permit and Trustee Walker advised he would provide the form by the end of the week but that first an application for a building permit should be submitted.

CORRESPONDENCE

Letter from the Legion inviting the Village Board to participate in the annual Memorial Day Parade to be held on Friday, May 23. Award letter regarding the Shared Municipal Services Incentives Program.

BUILDING CODE OFFICER – Lynn Goman 6 permits issued: 3 for pools and 3 for decks. 3 CO's issued: 13 Major Dickinson, 64 S. Hudson Ave., 10 Russell Drive. Received a call regarding asbestos siding removal on Major Dickinson and advised the homeowner of the proper procedure. The Clerk read a letter from Mr. Goman addressed to the Village Board citing various code violations at 46 Major Dickinson Ave. Mr. Peluso advised Mr. Goman to follow the procedures outlined in the current Unsafe Building Law.

FIRE CHIEF – Shane Mahar

Chief Mahar distributed his monthly report (copy on file) and discussed the broken window in the hose tower. The Board authorized Lynn Goman to measure, order, and install a replacement window. Two grants were awarded, one from Senator Bruno in the amount of \$25,000.00 for personal protective equipment and the other from Assemblyman McDonald in the amount of \$5,000.00 for the Steamer garage facility. The Fire Department will order two wreaths for Memorial Day with the Village to be billed for one. The Department will have a fire prevention booth at Family Day.

Fire Marshall Paul O’Kosky II recommended separating the Building Department and the Fire Code Department as currently he would be prohibited from acting without the Building Code Officer.

Chief Mahar pointed out the distinction between the Fire Department and the position held by Mr. O’Kosky and requested his reports be given separately from those of the Department.

SUPT. OF PUBLIC WORKS – Robert Gerasia

Monthly written report on file. Sump pump inspections continue with some residences needing to be revisited on the weekend.

COMMITTEE REPORTS

Trustee John Murphy – DOH requirements are being monitored. Trustee Basile questioned whether a reply was sent to the letter dated 4-15-08 and expressed concern that we need to respond prior to the deadline. A proposal for a study for the green sand filter sampling and evaluation at the WTP was received from Chazen and discussion was held on the cost.

BE IT RESOLVED the Mayor is authorized to enter into an agreement with The Chazen Companies to assist the Village with Surface Water Treatment Rule compliance at a cost not to exceed \$8,000.

Resolution moved by Trustee Basile, seconded by Trustee Walker.

Discussion: Trustee Basile spoke about pending discussions with Mr. Wang; Supt. Gerasia explained some type of pilot study is necessary to prove we are working on the problem. Trustee Walker stated we needed to proceed.

Motion carried 4-0

Trustee Raymond Walker –The ZBA is meeting the 1st Thursday of each month and draft forms have been sent to the County for their input. Discussion was held to clarify the different responsibilities of the Village Board vs. the ZBA vs. the Planning Board.

Trustee John Basile - Spoke about the status of the Consent Order stating we were on track for meeting all deadlines. Next step complete form defining pollutant to be sent to WWTP, Engineer report due; need permit and design approvals from DEC; and two bids need to be published and awarded all by June 30. A resolution was passed by the School Board for the easement and the agreement. Upgrade to current pump station could cost \$63,000, not comfortable spending this money. We have an alternative plan pumping directly to Hudson Ave via the school property. Engineer will submit new drawings to DEC for approval. The Application to the County Sewer District: Petition was delivered to the County on May 19 and Trustee Basile gave a brief summary of the anticipated cost comparisons of upgrading the current plant vs. going to the County. He then spoke about the options for financing. There are two grant options that could be available. State Office of Parks & Recreation stated we need to complete an archaeological study.

Trustee Kenneth Baker – A blessing of flags will take place on May 24th at The Blockhouse.

CLERK-TREASURER - Margo L. Partak

MOTION authorizing the Clerk-Treasurer to make the necessary transfers to close the Village Accounts for the fiscal year 2007-08, providing the information to the Board of Trustees at the next regular meeting made by Trustee Walker, seconded by Trustee Murphy
Motion carried 4-0

MOTION authorizing the Clerk Treasurer to:
Transfer \$400.00 from A1620.404 (buildings, equipment repair) to A1620.403 (buildings electricity)

Transfer \$675.00 from A1990.4 (contingent) to A1910.4 (unallocated insurance)
Transfer \$375.00 from A3410.404 (Fire Dept. equipment repair) to (\$25.00) A3410.407 (FD Education) and (\$350.00) A3410.409 (FD gas & oil)
Transfer \$1000.00 from A5132.404 (garage, equipment repair) to A5142.4 (snow removal contractual)
Transfer \$80.00 from A8510.4 (community beautification) to A8160.4 (refuse & garbage collection)
Made by Trustee Murphy, seconded by Trustee Basile
Motion carried 4-0

MOTION authorizing the Clerk Treasurer to:
Amend the water fund budget increasing estimated revenue F2680 (insurance recoveries) \$11,000 and appropriation F8330.2 (purification equipment) \$2000.00, F8330.403 (purification, electricity) \$100.00, F8330.412 (purification, chemicals) \$7400.00, F8330.415 (purification, lab fees) \$750.00, F83404.401 (transmission & distribution, water meters) \$750.00
Made by Trustee Murphy, seconded by Trustee Basile
Motion carried 4-0

MOTION authorizing the Clerk Treasurer to:
Transfer \$3000.00 from G8120.403 (sanitary sewers, electricity), \$4000.00 from G8120.404 (sanitary sewers, equipment repair), \$1000.00 G8130.408 (treatment & disposal, county disposal) to G8130.403 \$8000.00 (treatment & disposal, electricity)
Made by Trustee Walker, seconded by Trustee Baker
Motion carried 4-0

MOTION authorizing the Clerk Treasurer to pay the Daily Gazette for Public Hearing Notice ordered by Scott Ronda made by Trustee Murphy, seconded by Trustee Walker. Discussion: Trustee Murphy explained there was a miscommunication regarding the Notice and offered to call Mr. Ronda to request payment. Motion rescinded.

Upon suggestion of Mr. Peluso the Clerk should institute a new policy requiring all professional vouchers outside of retainer be submitted with 1/4 hour designations.

ATTORNEY – James Peluso

MOTION authorizing the Village Board to seek designation as lead agency status for SEQR on the Jason Rich project after the form has been reviewed by Mr. Peluso made by Trustee Murphy, seconded by Trustee Basile
Motion carried 4-0

Regarding the property at 46 Major Dickinson; homeowner must be notified in writing by certified mail that the property is in violation with 30 days to remedy the situation and an opportunity to be heard by the Village Board.

Mr. Peluso and Mayor Martin attended a public meeting in Waterford with the Towns of Waterford and Halfmoon related to joining forces to petition GE with the concern being the effect of dredging on our wells.

MOTION to retain Dreyer Boyajian to represent the Village in the litigation made by Trustee Murphy, seconded by Trustee Walker
Motion carried 4-0

MOTION to open the floor to the public and press made by Trustee Basile, seconded by Trustee Baker
Motion carried 4-0

James Champlin asked questions about the Public Hearing notice that was scheduled.
The owner of 41-47 Hudson Ave asked for information on constructing a 4-unit building at that location.

MOTION to close the floor to the public and press made by Trustee Basile, seconded by Trustee Baker
Motion carried 4-0

OLD BUSINESS

None

NEW BUSINESS

MOTION to accept the agreement and easement accepted by School Board made by Trustee Basile, seconded by Trustee Murphy. Discussion: Trustee Basile explained changes to previous draft
Motion carried 4-0

MOTION to accept proposal from Garrett DeGraff of Hiscock and Barclay to act as Bond Counsel made by Trustee Basile, seconded by Trustee Walker. Discussion: Bond counsel is required
Motion carried 4-0

Bond Resolution Dated May 20, 2008

A Resolution Authorizing Improvements to the Village Water Supply System, authorizing the Issuance of Serial Bonds of the Village of Stillwater, Saratoga County, New York in an Aggregate Principal Amount Not to Exceed \$650,000 Pursuant to the Local Finance Law to Finance Said Purpose and Delegating the Power to Issue Bond Anticipation Notes in Anticipation of the Sale of Such Bonds to the Village Treasurer.

BE IT RESOLVED, by the Board of Trustees of the Village of Stillwater, Saratoga County, New York (the "Village") (by favorable vote of not less than two-thirds – in other words, not less than four – of all the members of the Board) as follows:

Section 1. The specific object or purpose (herein referred to as "purpose") to be financed pursuant to this resolution is the making of improvements to the Village's drinking water treatment facility to provide for the discharge of filter cleaning backwash water into the sanitary sewer, including construction of a holding tank, pumping station and forcemain to a point of discharge to the sanitary sewer system. The estimated maximum cost of said purpose is \$650,000.

Section 2. The Board of Trustees plans to finance the total cost of said purpose by the issuance of serial bonds of the Village in an amount not to exceed \$650,000, hereby authorized to be issued therefore pursuant to the Local Finance Law.

Section 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1. of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 40 years.

Section 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will be in excess of five years.

Section 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of such bonds by virtue of paragraph 9 of subsection d. of Section 107.00 of the Local Finance Law, with respect to all objects and purposes authorized to be financed hereby.

Section 6. The faith and credit of said Village are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 7. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 30.00, 50.00, and 56.00, of said Law, the power to authorized bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolutions and the renewals of said notes and the power to prescribe the terms, form and content, and the manner of execution of the same, of said serial bonds, and said bond anticipation notes, including the consolidation with other issues, and also the availability to issue bonds with substantially level or declining annual debt service, and the power to sell and deliver said serial bonds and any bond anticipation notes issued in anticipation of the issuance of such bonds, is hereby delegated to the Village Treasurer, the Chief Fiscal Officer of the Village.

Such bonds and bond anticipation notes shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Village Treasurer is further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution, and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “code”) and to designate the bonds authorized by this resolution, and nay notes issued in anticipation thereof, as “qualified tax-exempt obligations” in accordance with Section 265(b)(3) of the Code.

Section 9. Pending the sale of bonds herein authorized, the temporary use of funds from the Village’s general fund, pursuant to the provisions of Section 165.10 of the New York Local Finance Law, is hereby authorized. The Village reasonable expects to reimburse itself from the proceeds of bonds or notes herein authorized for expenditures made for the purpose to be financed by this resolution prior to the issuance of such bonds or notes, and this resolution is intended to constitute a declaration of official intent to reimburse for the purposes of U.S. Treasury § 1.150-2.

Section 10. Following review of a full environmental assessment form with respect to the Purpose, the Village has determined that the making of the improvements to the Village drinking water treatment facility authorized hereby is an Unlisted Action which will not have a significant effect on the environment and, therefore, no further action under the State Environmental Quality Review Act (“SEQR”) is required.

Section 11. The validity of said serial bonds or of any bond anticipation notes issued in anticipation of the sale of said serial bonds may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- (2) The Provisions of law which should be complied with at the date of the publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 12. The Village Clerk is hereby authorized and directed to publish this resolution or a summary thereof, together with a notice in substantially the form provided by Section 81.00 of the Local Finance Law, in the The Gazette, a newspaper having a general circulation in said Village and hereby designated as the official newspaper of said Village for such publication.

Section 13. The firm Hiscock and Barclay, LLP is hereby appointed Bond Counsel of the Village in connection with the bonds and notes herein authorized.

Section 14. This resolution shall take effect immediately upon its adoption.

The adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mayor Ernest Martin	Aye
Trustee Kenneth Baker	Aye
Trustee John Basile	Aye
Trustee John Murphy	Aye
Trustee Raymond Walker	Aye

The resolution was thereupon declared duly adopted.

MOTION to approve Treasurer Report made by Trustee Walker, seconded by Trustee Basile
Motion carried 4-0

MOTION to approve the minutes from April 15, 22, 28, and May 13, 2008 made by Trustee Murphy, seconded by Trustee Baker
Motion carried 4-0

MOTION to approve the audited claims:

A - \$12,747.25

F - \$40,356.19

G - \$ 5,669.78

H - \$ 3,026.22

made by Trustee Murphy, seconded by Trustee Walker
Motion carried 4-0

MOTION to adjourn made by Trustee Murphy, seconded by Trustee Walker
Motion carried 4-0

Meeting adjourned at 9:45pm.

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer