

REGULAR MEETING-BOARD OF TRUSTEES-DECEMBER 16, 2008-7:00 P.M.

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

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

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

CORRESPONDENCE

None

BUILDING CODE OFFICER – Lynn Goman

No new permits or CO's issued. Russell Drive proceeding and expects to be ready for CO January 1. Work on the Ronda project is moving slow.

FIRE CHIEF – Shane Mahar

Chief Mahar submitted and reviewed reports for month, year, and weekend ice storm emergency. The Department worked from 2:45am on Friday 12/12/08 until 8:11pm on Sunday 12/14/08 with assistance from a stand by crew from Porters Corners. Questions from the Board were asked and answered.

MOTION to remove firefighter Mike Demizio and support class member Leonard Ashley from the Department roster made by Trustee Walker, seconded by Trustee Basile

Motion carried 3-0

The Chief is working on a policy and procedures manual and will bring a draft to the Board for approval. Trustee Walker requested a report on the gym membership.

Mayor Martin introduced Emergency Services Coordinator John Nett who thanked the Mayor and Trustee Basile for their visibility which was greatly appreciated by the residents. Mr. Nett reviewed how the weekend unfolded starting with an assessment of the situation, declaring a state of emergency and opening the Community Center as a shelter and command center. 130 residents visited the shelter with 18 staying overnight the first day, 90 visitors with 26 staying overnight the second day.

Mr. Nett stressed that commendation belongs to the Fire Departments, Rescue Squad, and the DPW. He received notification from SEMO requesting preliminary cost figures and has asked all Department heads for their reports by Friday.

Discussion was held on the reverse 911 process and how to best update the database which is currently based on Verizon's list.

Mayor Martin expressed his thanks to John Nett and Bob Palmieri and commented that in all his years with the Village, this was the first time everyone worked together.

*Trustee Murphy arrived at 7:30pm

SUPT. OF PUBLIC WORKS – Robert Gerasia

The Supt. reviewed his report (copy on file) and spoke about the DPW response to the ice storm, specifically the pump stations and noted there is a major I & I issue on Clinton Court. A chipper was rented for clean up of debris and the DPW will be working 10 hr days until all downed trees are removed. The Supt. believes NYSEG caused the latest power surge that damaged our variable speed drive; an insurance claim has been filed.

COMMITTEE REPORTS

Trustee John Basile – Reviewed his report (copy on file). A report from Chazen is expected by mid January according to Eric Johnson. Generators are needed for the pump stations and the pump stations themselves are to be rebuilt.

Trustee John Murphy – discussed the cash flow analysis provided by the Clerk Treasurer and said residents need to be encouraged to pay. The Board agreed the current penalty structure should be revised so that unpaid water and sewer can be relieved onto Village taxes sooner.

MOTION to change penalty structure to 30 days to pay with a 5% penalty each month thereafter made by Trustee Basile, seconded by Trustee Murphy
Motion carried 3-0

Trustee Raymond Walker – Distributed a spreadsheet of all streets in the Village and discussed the street law. Trustee Walker would like all comments by email as soon as possible and requested Supt. Gerasia measure the no parking area on Champlain Ave.

CLERK-TREASURER - Margo L. Partak

BOND ANTICIPATION RENEWAL NOTE RESOLUTION

AUTHORIZING THE RENEWAL OF A BOND ANTICIPATION NOTE ISSUED ON THE 18th DAY OF DECEMBER 2007 IN THE AMOUNT OF \$100,000, IN ANTICIPATION OF THE SALE OF SERIAL BONDS AUTHORIZED TO FINANCE THE PURCHASE OF A NEW DUMP TRUCK CHASSIS & BODY

BE IT RESOLVED, by the Village Board of the Village of Stillwater, in the County of Saratoga, as follows:

WHEREAS, this Board has on December 20, 2005, adopted a resolution authorizing the issuance and sale of bonds in the amount of One-Hundred Thirty Thousand Dollars (\$130,000) for the purpose of financing the purchase of a new Dump Truck Chassis & Body, said bonds having not as yet been sold, and

WHEREAS, a pursuant to a Resolution dated December 18, 2007, said Bond Anticipation Note was renewed in the sum of \$100,000 due and payable on December 21, 2008;

NOW THEREFORE, BE IT RESOLVED, by the Village Board as follows:

1. The Village Board of the Village of Stillwater duly authorize the renewal of the said Bond Anticipation Note in the principal sum of Eighty Five Thousand Dollars (\$85,000). Said Bond Anticipation Note as renewed, shall be due and payable on December 21, 2009 in said principal amount, together with accrued interest at a rate of 3.75% per annum. Said note shall be executed in the name of this Village by its Mayor, as Chief Fiscal Officer, his corporate seal shall be affixed thereto, and it shall be attested thereto by the Clerk.
2. The specific object or purpose to be financed pursuant to this Resolution is the aforementioned purchase of a new Dump Truck Chassis & Body.
3. As required by the Local Finance Law of the State of New York, it is hereby stated that (a) there is now outstanding a Bond Anticipation Note issued on December 18, 2007 in the amount of One-Hundred Thousand Dollars (\$100,000), which said Note is due and payable on December 21, 2008; (b) the Note authorized by this Resolution is a renewal note, and (c) the Note authorized by this Resolution shall mature within one (1) year from the date of its issue, and (d) such Note is issued in anticipation of bonds.
4. Said Note shall be in the same form and contain the same terms and conditions as the original Bond Anticipation Notes, except that the interest rate in this Bond anticipation Note shall be 3.75% per annum.

5. The Note hereby authorized is hereby designated a “qualified tax exempt obligation” pursuant to Section 265(b)(3)(B) of the Internal Revenue Code of 1986, as amended (the “Code”). The Village reasonably anticipates and hereby agrees that it will not issue tax-exempt obligations in excess of \$10 million during the calendar year 2008. The Village further certifies that the sum of the principal amount of this Note and the principal amount of any other tax-exempt obligations heretofore issued by the Village during 2008 for the purpose of Section 265(b)(3)(C) of the Code does not exceed \$10 million.
6. Appropriate documents shall be executed to prevent application of the arbitrage provisions of the Internal Revenue code to said Note, and the Note shall contain provisions required by Ballston Spa National Bank to assure continued exemption of the interest on the Note from Federal and State income taxes, and in particular, said Village does hereby agree to comply with the requirements for continued tax exemption of such interest as are set forth in the Code.
7. In the event that for any reason, other than through fault of Ballston Spa National Bank, the interest on said note becomes taxable, then upon request of Ballston Spa National Bank, said Village shall redeem said Note.
8. Said Note is not issued in anticipation of bonds for an assessable improvement.
9. This Resolution shall take effect immediately.

Resolution moved by Trustee Murphy, seconded by Trustee Basile.

Roll call vote: Trustee Basile – yea

Trustee Murphy – yea

Trustee Walker – yea

Trustee Baker absent

Motion carried 3-0

The Clerk asked the Board for direction on where to charge the ice storm bills. Trustee Murphy suggested using the Community Development loan payback funds but it was decided it should be further discussed in executive session.

A bill has been received from Dyer for work performed as part of the Anusesky water tap and the Board instructed the Clerk to send a letter to the homeowner along with a bill and hold the invoice from Dyer until next month.

MOTION authorizing the Clerk and her Deputy to attend the NYCOM election workshop on January 8, 2009 made by Trustee Murphy, seconded by Trustee Basile
Motion carried 3-0

Cornerstone is offering a new DSL program that is cheaper than our current but appears to be slower. Trustee Walker said we need more information before a decision can be made.

A bill has been received for a meter for the School fields and Supt. Gerasia confirmed the School should be sent an invoice.

MOTION authorizing the Clerk-Treasurer to make the following adjustment to the 2008/09 budget:

Transfer \$1,000.00 from A1680.4 (central data processing contractual) to A1620.406 (buildings equipment rental); \$291.00 from A3410.403 (Fire Dept. Health) to A3410.407 (Fire Dept. Education); \$\$2000.00 from A8540.4 (drainage) to A3410.409 (Fire Dept, gasoline); \$1550.00 from A8550.4 (drainage) to A5110.4 (street maintenance contractual); \$1000.00 from F1990.4 (contingent) to F8340.401 (transmission & distribution – water meters).

Amend the Capital fund budget as follows: increase estimated revenue H5730 (bond anticipation notes) \$150,000.00, increase appropriations H5130220 (DPW equipment) \$50,000.00, H81972 (sewer equipment & capital outlay) \$20,000.00 and H83972 (water Capital project) \$80,000, made by Trustee Walker, seconded by Trustee Basile.

Motion carried 3-0

MOTION to open the floor to the public and press made by Trustee Murphy, seconded by Trustee Basile
Motion carried 3-0

Mr. Jim Champlain spoke regarding enforcement of the traffic law, the proposed water penalties, and the ownership of the NKT Project. Discussion was held regarding the Zoning Law and whether it contained a sunset clause.

MOTION to close the floor to the public and press made by Trustee Basile, seconded by Trustee Murphy
Motion carried 3-0

OLD BUSINESS

None

NEW BUSINESS

None

MOTION to approve Treasurer Report made by Trustee Murphy, seconded by Trustee Basile
Motion carried 3-0

MOTION to approve the minutes from November 18 and December 2, 2008 made by Trustee Basile, seconded by Trustee Murphy
Motion carried 3 -0

MOTION to approve the audited claims:

A - \$ 30,864.51

F - \$ 12,450.59

G - \$ 4857.66

made by Trustee Murphy, seconded by Trustee Walker

Motion carried 3-0

MOTION to adjourn to executive session at 8:45 p.m. made by Trustee Murphy, seconded by Trustee Walker
Motion carried 3-0

MOTION to accept the Stillwater Fire Department (Newland Wood) 2009 roster of officers with the following exceptions: Jeri Mehan as 2nd Assistant Chief and Jim Spooner as Lieutenant. The Chief is to return to the Board with new officers for these positions at the January meeting made by Trustee Murphy, seconded by Trustee Walker.

Motion carried 3-0

MOTION authorizing the Clerk-Treasurer to pay the bill submitted by Palette for cold patch and rubble at a cost of \$2105.54 made by Trustee Murphy seconded by Trustee Walker.

Motion carried 3-0

Meeting adjourned at 10:15 P.M.

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer