

REGULAR MEETING-BOARD OF TRUSTEES-MARCH 17, 2009-7:00 P.M.

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

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

ALSO PRESENT: ERIC JOHNSON, THE CHAZEN COMPANIES; DOH REPRESENTATIVES LLOYD WILSON, PAT PALMER, DEANNA RIPSTEIN, BILL GILDAY, AND KRIS WHEELER

SPECIAL PRESENTATION led by Lloyd Wilson described the water supply monitoring by DOH which was funded by EPA as a superfund site. DOH representatives reviewed the process and explained the test results for the Village. Questions from the Board and the public were answered and the GAC installation process was explained. The DOH urged the Board and the public to call the DOH if they had any concerns.

Mayor Martin presented plaques to Trustees Murphy and Walker and thanked them for their many years of service to the Village.

Mayor Martin called the meeting to order at 8:15 P.M. and led the pledge to the flag.

NEW BUSINESS

Trustee Basile introduced Eric Johnson from The Chazen Companies and began reviewing the various resolutions to be passed:

RESOLUTION TO CLASSIFY THE SANITARY SEWER PROJECT AS A TYPE II ACTION

WHEREAS, the New York State Department of Environmental Conservation (NYSDEC) has issued an Order on Consent to the Village of Stillwater for SPDES permit limit exceedences for flow; and

WHEREAS, the Village Board of the Village of Stillwater has elected to convey wastewater to the Saratoga County Sewer District No. 1 (SCSD) to satisfy the order of consent; and

WHEREAS, the Village Board of the Village of Stillwater authorized The Chazen Companies to prepare an Engineer’s Report evaluating the alternative means to connect to the SCSD system; and

WHEREAS, the Village Board of the Village of Stillwater is seeking funding for the cost of constructing said connection as described in the Engineer’s Report from the NYS Environmental Facilities Corporation (NYSEFC); and

WHEREAS, the Village Board of the Village of Stillwater has reviewed the State Environmental Quality Review requirements and the NYSEFC guidance regarding the State Environmental Review Process (SERP); and

WHEREAS, the Village Board of the Village of Stillwater has reviewed the list of Type II Actions identified in 6NYCRR Part 617.5;

NOW, THEREFORE, BE IT RESOLVED THAT, this Village Board:

1. Based on a review of the list of Type II Actions has determined the project to be undertaken pursuant to the NYSDEC Order on Consent; specifically the action is “617.5 9 (c) 29 civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a

judgment or order, or the exercise of prosecutorial discretion;” and is therefore not subject to SEQR review.

2. Authorizes completion and submission of application and any necessary documents to the NYSEFC to request funding.

MOTION to adopt resolution made by Trustee John Murphy, seconded by Trustee Raymond Walker.

Roll call vote: Trustee John Basile – aye Trustee Kenneth Baker – aye
 Trustee John Murphy – aye Trustee Raymond Walker – aye

Motion carried unanimously

MOTION to accept Part 1 short EAF connection to Saratoga County Sewer District No. 1 sanitary sewer connection made by Trustee Basile, seconded by Trustee Murphy.

Discussion: Eric Johnson explained the Environmental Assessment Form information.

Roll call vote: Trustee John Basile - aye Trustee Kenneth Baker – aye
 Trustee John Murphy – aye Trustee Raymond Walker - aye

INTENT TO BE LEAD AGENCY

Construction of Water Transmission Main for Connection to the SCWA water system

WHEREAS, the Village of Stillwater is proposing construction of an approximately 8.8-mile water main to connect the Village’s water system to the Saratoga County Water Authority (SCWA) water system; and

WHEREAS, the proposed action has been determined to be an Unlisted action, pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.4; and

WHEREAS, the NYS Environmental Facilities Corporation requires a coordinated review be conducted for unlisted action as stipulated in the State Environmental Review Process (SERP); and

NOW, THEREFORE, BE IT RESOLVED THAT, pursuant to the applicable standards of SEQRA 6 NYCRR Part 617.6, the Village Board of the Village of Stillwater concludes that it is the appropriate agency to serve as Lead Agency for the coordinated environmental review of the proposed Unlisted Action; and

BE IT FURTHER RESOLVED THAT, the Village Board of the Village of Stillwater hereby declares its intent to be Lead Agency for the coordinated SEQRA evaluation; and

BE IT FURTHER RESOLVED THAT, the Village Board of the Village of Stillwater hereby authorizes the circulation of the Lead Agency Agreement to the other Involved and Interested Agencies, indicating the Village Board’s intention to serve as Lead Agency, including circulating the Engineer’s Report and Part 1 of the Full Environmental Assessment Form (EAF).

MOTION to adopt resolution made by Trustee John Basile, seconded by Trustee Raymond Walker.

Roll call vote: Trustee John Basile – aye Trustee Kenneth Baker – aye
 Trustee John Murphy – aye Trustee Raymond Walker – aye

Motion carried unanimously

MOTION to accept Part 1 EAF for water connection to Saratoga County Water Authority made by Trustee Basile, seconded by Trustee Murphy.

Discussion: Eric Johnson explained purpose of Part 1 EAF, Attorney Peluso provided information that needs to be sent to various agencies.

Roll call vote: Trustee John Basile – aye Trustee Kenneth Baker – aye
 Trustee John Murphy – aye Trustee Raymond Walker – aye

Motion carried unanimously

MOTION to accept the proposal from The Chazen Companies (TCC) for services to connect the Saratoga County Water authority at a const not to exceed \$320,000 made by Trustee Basile, seconded by Trustee Murphy.

penalties, the new way of assessing penalties will be 30 days with a 5% penalty assessed each month that the bill is in arrears. All bills in arrears at May 1st will be added to the June 1st property tax each year. For 2009 only some residents will have three unpaid bills added if they do not pay the April 2009 bill.

Roll call vote: Trustee Basile – aye Trustee Baker – aye
Trustee Murphy – aye Trustee Walker - aye

Motion carried unanimously

All Board members agreed the list of unpaid water/sewer customers should be published.

A proposal was received from Brown's River regarding restoration of birth and death records and will be discussed at the next meeting.

BOND ANTICIPATION RENEWAL NOTE RESOLUTION

AUTHORIZING THE RENEWAL OF A BOND ANTICIPATION NOTE ISSUED ON THE 20th DAY OF MARCH 2007 IN THE AMOUNT OF \$40,000, IN ANTICIPATION OF THE SALE OF SERIAL BONDS AUTHORIZED TO FINANCE THE PURCHASE OF A NEW BACKHOE

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

WHEREAS, this Board has on March 20, 2007, adopted a resolution authorizing the issuance and sale of bonds in the amount of Forty Thousand Dollars (\$40,000) for the purpose of financing the purchase of a new Backhoe, said bonds having not as yet been sold, and

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 Twenty Thousand Dollars (\$20,000). Said Bond Anticipation Note as renewed, shall be due and payable on March 20, 2010 in said principal amount, together with accrued interest at a rate of 3.95% 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 Backhoe.
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 March 18, 2008 in the amount of Thirty Thousand Dollars (\$30,000), which said Note is due and payable on March 20, 2009; (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 3.95% 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 2009. 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 2009 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 Basile, seconded by Trustee Murphy.
Motion carried 4-0

MOTION authorizing the purchase of a plaque for the annual Newland Wood car show made by Trustee Basile, seconded by Trustee Baker
Motion carried 4-0

Reminder that the Village Election is to be held March 18th from 12 Noon to 9:00 P.M. with a short meeting to follow to accept the election returns. The Village Re-organizational meeting is to be held April 7, 2009 at 7:00 P.M. and the regular meeting will also be held April 21, 2009 at 7:00 P.M.

Clerk-Treasurer questioned the fees to be charged for the Ronda/Damico properties, Hudson Avenue.

Trustee Basile advised there are to be 4 water meters installed, 2 water taps, 1 sewer tap with two connections, discussion continued further information will be provided prior to installation of the water and sewer to the new homes.

MOTION authorizing a public hearing on the budget to be held April 21, 2009 at 7:00pm made by Trustee Basile, seconded by Trustee Baker
Motion carried 4-0

MOTION authorizing the Clerk to pay the election inspectors prior to the next meeting made by Trustee Basile, seconded by Trustee Baker
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

Jim Champlin questioned parking on sidewalks, Terry Simmons asked if Mechanicville Reservoir was considered as an alternate water source and was told it wasn't feasible. Ms. Simmons questioned if any other engineering firms were given an opportunity to provide proposals and was advised TCC costs for sewer were less than Kestner and their costs for water were less than Malcolm Pirnie.

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

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

MOTION to approve the minutes from February 16, 2009 made by Trustee Walker, seconded by Trustee Baker
Motion carried 3-0 with Trustee Murphy abstaining

MOTION to approve the audited claims:

A - \$ 33,650.49

F - \$ 17,934.94

G - \$ 3,936.04

H - \$ 5,950.27

made by Trustee Murphy, seconded by Trustee Baker

Motion carried 4-0

MOTION to adjourn to executive session at 9:30pm made by Trustee Murphy,
seconded by Trustee Basile

Motion carried 4-0

Meeting adjourned at 9:50pm

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer