

SPECIAL MEETING-BOARD OF TRUSTEES-MARCH 24, 2009-6:30 P.M.

PRESENT: ERNEST W. MARTIN, MAYOR; TRUSTEES – KENNETH BAKER,  
JOHN BASILE, JOHN MURPHY  
ABSENT: TRUSTEE RAYMOND WALKER  
ALSO PRESENT: TRUSTEE ELECT – KEITH COLLINS

Mayor Martin called the meeting to order at 6:30 p.m., he advised that in addition to the budget workshop there was one item of business that needed to be taken care of at this time.

### **Bond Resolution Dated March 24, 2009**

**A Resolution Authorizing The Construction, Upgrading and/or Renovation of Certain Wastewater Treatment Facilities Necessary to Transfer Wastewater to Facilities Owned and Operated by the Saratoga County Sewer District No. 1, Including a Force Main to be Located Along Kellogg Road, Which Force Main Will Connect to a Gravity Sewer Located on Brickyard Road in the Town of Stillwater, New York, Including the Necessary Pump Stations, Pump Station Components, Piping, Manholes, and Other Necessary Appurtenances and Authorizing the Issuance of Serial Bonds of the Village of Stillwater, Saratoga County, New York in an Aggregate Principal Amount Not to Exceed \$4,000,000 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, New York (the "Village") (by favorable vote of not less than Two-Thirds 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 acquisition, construction or reconstruction of or addition to a water supply or distribution system. The estimated maximum cost of said purpose is \$4,000,000.

**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 \$4,000,000 (FOUR MILLION DOLLARS), hereby authorized to be issued therefore pursuant to the Local Finance Law and other available grant funding sources that become available through the State or federal governments or other sources.

**Section 3.** It is hereby determined that said purpose is an object or purpose described in subdivision one of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is forty 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 pursuant to Section 107(d)(3)(a) of the Local Finance Law.

**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 benefiting from the Project 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 authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution 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 any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

**Section 9.** The Village reasonably 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.** The Village has determined that the Project described herein is a Type II action that will not have a significant effect on the environment and, therefore, no other determination or procedures 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 Daily 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.

MOTION to adopt the foregoing resolution was made by Trustee Basile, seconded by Trustee Murphy.

Discussion: Trustee Basile explained the original intent was to bring this resolution to the Board at the regular April meeting, however, this resolution is one of the required items requested to be returned to New York State by April 7, 2009 so we can be considered for funding via stimulus money.

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

Ernest W. Martin, Mayor	voting	<u>yea</u>
Kenneth Baker, Trustee	voting	<u>yea</u>
John Basile, Trustee	voting	<u>yea</u>
John Murphy, Trustee	voting	<u>yea</u>
Raymond Walker, Trustee	voting	<u>absent</u>

The foregoing resolution was thereupon declared duly adopted.

MOTION to adjourn the special meeting was made by Trustee Murphy, seconded by Trustee Baker.

Motion carried 3-0

Special meeting adjourned at 6:40 p.m.

Budget workshop began.

Respectfully submitted,

Margo L. Partak  
Clerk-Treasurer