

REGULAR MEETING -BOARD OF TRUSTEES- MARCH 16, 2010-7:00 P.M.

PRESENT: ERNEST W. MARTIN, MAYOR; TRUSTEES - JOHN BASILE, KEN BAKER, KEITH COLLINS, ELLEN VOMACKA

ALSO PRESENT: ATTORNEY, JAMES PELUSO; BUILDING CODE OFFICER LYNN GOMAN; FIRE CHIEF SHANE MAHAR; FIRE MARSHAL PAUL O’KOSKY II; ED HERNANDEZ; VILLAGE HISTORIAN LINDA SANDERS

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

MOTION to accept the bid of \$3,501.99 from Brier Hill Volunteer Fire Department for the Fire Department Boat and trailer made by Trustee Collins, seconded by Trustee Basile

Motion carried 4-0

Historian Linda Sanders explained a quilt was being created using a square from each municipality in NYS and displayed the squares handcrafted by Jane Weber for the Village and Town. Ms. Sanders thanked Mr. Goman for notifying her of the discovery of an old fireplace in the basement at 268 Hudson Avenue which was once the Swart Farm.

CORRESPONDENCE

MOTION authorizing the Mayor to purchase a plaque in the amount of \$35 for the annual Newland Wood Car Show made by Trustee Baker, seconded by Trustee Basile

Motion carried 4-0

BUILDING CODE OFFICER – Lynn Goman – reviewed his written report (copy on file) and discussed the new home being constructed at 10 Champlain Road. The builder and a neighbor who objected met and agreed the building is acceptable as long as a rear door is eliminated.

FIRE CHIEF – Shane Mahar – reviewed his written report (copy on file) and Trustee Collins commented additional paperwork on the fire at 268 Hudson Avenue would be required by NYS since the fire was caused by cigarette smoking.

FIRE MARSHAL – Paul O’Kosky II – the Hudson Avenue 911 renumbering project is 99% done and a letter will go out on April 1 with the water bills detailing the parcel number, old address, and new address. The Fire Marshal explained how the numbers were issued and spoke about 8 homes located off Hudson Ave so far no number is visible. Discussion was held on whether to create private roads or use standard green and white reflective signs for identification purposes.

MOTION to approve commencing the 911 project for Hudson Ave in the Village beginning April 1, 2010 made by Trustee Basile, seconded by Trustee Baker

Motion carried 4-0

DEPT. OF PUBLIC WORKS – Ed Hernandez

Mr. Hernandez reviewed his written report (copy on file) and explained which reports were filed and what purpose they had. Paul O’Kosky is acting as chief operator of WTP and Matt Rifenburgh is acting as chief operator of WWTP. There have been two violations: 1 of settleable solids and 1 for failing to take a required sample. Three quotes will be obtained for repair and paving of the Board Room parking lot.

COMMITTEE REPORTS

Trustee John Basile – reviewed his written report (copy on file) and advised we’ve received a preliminary violation regarding transporting wastewater. There was apparently a miscommunication between us and DEC; we thought it was allowed but they’re saying it wasn’t.

Trustee Keith Collins – requested Executive Session to discuss matters related to the SCWA project

Trustee Ellen Vomacka – the ZBA is looking at changing the zoning as it relates to Agricultural property and continues to investigate moving the current ZBA to Planning and finding new members. The website is still pending; new software was necessary and the process is starting over.

Trustee Ken Baker – no report

ATTORNEY - James Peluso – no report

CLERK-TREASURER – Patti Ryan

BOND ANTICIPATION RENEWAL NOTE RESOLUTION

AUTHORIZING THE RENEWAL OF A BOND ANTICIPATION NOTE ISSUED IN ANTICIPATION OF THE SALE OF SERIAL BONDS AUTHORIZED TO FINANCE THE PURCHASE OF A NEW BACKHOE

**THE BOARD OF TRUSTEES
VILLAGE OF STILLWATER
COUNTY OF SARATOGA
STATE OF NEW YORK**

ADOPTED MARCH 16, 2010

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

WHEREAS, pursuant to a Resolution dated March 18, 2008, said Bond Anticipation Notes were renewed in the consolidated sum of \$30,000 due and payable on March 20, 2009, and

WHEREAS, pursuant to a Resolution dated March 17, 2009, said Bond Anticipation Notes were renewed in the sum of \$20,000.00 due and payable on March 20, 2010;

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

1. The Village Board of the Village of Stillwater duly authorizes the renewal of the said Bond Anticipation Note in the principal sum of Ten Thousand Dollars (\$10,000). Said Bond Anticipation Note as renewed, shall be due and payable on March 20, 2011 in said principal amount, together with accrued interest at a rate of 3.85% 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 17, 2009 in the amount of Twenty Thousand Dollars (\$20,000), which said Note is due and payable on March 20, 2010; (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 3.85% 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 2010. 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 2010 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 Vomacka
Resolution passed 4-0

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

No one from the public wished to speak

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

NEW BUSINESS

MOTION to approve the repair of one sewer plant agitator to include the purchase of a new gear box, necessary parts and personnel services not to exceed \$15,000. Discussion: we're starting a re-furbishing project so we'll have a spare in the future
Motion carried 4-0

MOTION to approve the proposal to replace one cable trolley from Infilco not to exceed \$1,000 made by Trustee Basile, seconded by Trustee Collins
Motion carried 4-0

MOTION James Peluso Esq. Of Dreyer Boyajian LLP be authorized to enter into a consent decree with the State of NY and the NYS DEC on behalf of the Village based on the proposed consent decree regarding the Village of Stillwater wastewater treatment system and the water filtration plant as presented by Mr. Joseph M. Kowalczyk, Assistant Attorney General to Mr. James R. Peluso, Esq. dated March 9, 2010 made by Trustee Basile, seconded by Trustee Vomacka

Tabled to Executive Session

MOTION to approve the aerial survey for the sidewalk/storm drain project on North Hudson Ave Task 01 of Chazen Proposal PM09-019 dated 11/17/09 not to exceed \$3,000 made by Trustee Basile, seconded by Trustee Baker
Motion carried 4-0

OLD BUSINESS

None

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

MOTION to approve the audited claims:

A- \$24405.29

F - \$ 9116.70

G - \$ 17299.37

H - \$ 41839.17

made by Trustee Vomacka, seconded by Trustee Baker

Motion carried 4-0

MOTION to adjourn to executive session at 8:30pm to discuss matters related to personnel, Fire Department, litigation, and contracts made by Trustee Basile, seconded by Trustee Collins

Motion carried 4-0

MOTION James Peluso Esq. of Dreyer Boyajian LLP be authorized to enter into a consent decree with the State of NY and the NYS DEC on behalf of the Village based on the proposed consent decree regarding the Village of Stillwater wastewater treatment system and the water filtration plant as presented by Mr. Joseph M. Kowalczyk, Assistant Attorney General to Mr. James R. Peluso, Esq. Dated March 9, 2010 made by Trustee Basile, seconded by Trustee Vomacka

Motion carried 4-0

Meeting adjourned 10:10pm

Respectfully submitted,

Patricia A. Ryan
Clerk-Treasurer