

**REGULAR MEETING -BOARD OF TRUSTEES- MAY 20, 2014-7:00 P.M.**

**PRESENT: ERNEST MARTIN, MAYOR, , TRUSTEE JUDY WOOD-SHAW, TRUSTEE ELLEN VOMACKA, TRUSTEE TIMOTHY CAMPBELL, TRUSTEES JOHN BASILE CLERK/TREASURER: SHERISTIN TEDESCO SUPT. OF PUBLIC WORKS: PAUL O'KOSKY ATTORNEY, JAMES PELUSO FIRE CHIEF – JEFF MAHAR BUILDING CODE OFFICER – LAWRENCE ALLEN**

Public Attendance - 3

**CORRESPONDENCE** – Thank you note from Mayor Martin to thank everyone who sent cards, food and helped out during his recent surgery and recovery.

Trustee Basile noted a letter of violation from DEC stemming from a surprise inspection and for not having two licensed sewer operators.

Trustee Basile noted a letter from USDA stating the administration requirements that are to be met every year as long as we have the loan open with USDA.

**FIRE DEPARTMENT REPRESENTATIVE: Jeff Mahar**

There were 2 alarms, 5 drills, and one fundraiser in the month of April. They also conducted the member physicals and held an open house. Chief Mahar also discussed a new system being implemented in the fire house in regard to radios and knowing who is responding and when to fires that is being funded by a grant through Saratoga County.

**MOTION** to accept Joe Fitzpatrick Sr. as Lieutenant and Amy VanArnum as the new trustee made by Trustee Basile, seconded by Trustee Vomacka. Motion carried 4-0

**MOTION** to remove Cody Smith from the Newland Wood Fire Dept. rolls made by Trustee Basile, seconded by Trustee Vomacka. Motion carried 4-0

Mayor Martin thanked prior Chief Tony Conti for his service and stated he did a good job.

**SUPERINTENDENT OF DPW: Paul O’Kosky**  
Monthly report provided to all Board members. Supt. O’Kosky reported we received a violation letter from DEC for not having two licensed sewer operators and explained we will be sending a DPW employee in the fall at ACC to obtain the second license. (Report on file)

**BUILDING CODE OFFICER: Lawrence Allen** – The project at Stewart’s is now complete. A permit has been issued for a new home at 27 Newland Road, a pool permit issued for 15 Palmer Street and awaiting proof of ownership to issue a permit to 15 School Street. (Report on file)

**COMMITTEE REPORTS:**

Trustee Basile reported the bugs in the alarms at the water tanks are being fixed. In regard to the sewer project, the company doing the directional bore ran into a snag this week, they broke their bit and are awaiting arrival of a new one. CO #7 for Insituform has been approved to line several sections of pipe on South Hudson Ave. and Champlain. A request has been submitted for paving all of Park Ave. A proposal has been put together by Ed Hernandez for engineering services. Effective June 1<sup>st</sup> 2014 Mr. Ed Hernandez will no longer be a full time employee of Delaware Engineering, but with his new company of Adirondack Mountain Engineering. He will continue to be the contact manager for our sewer project.

Trustee Campbell reported the dump truck is repaired and the heavy equipment trailer is almost complete. LED low profile lights will be put on the new truck and we may get a new small dump body for the old utility truck.

Trustee Vomacka reported the SFD bylaws have been signed and corrected per the attorney’s suggestions. She reported she is will have flowers planted at Cannon Park prior to the parade and then the Boy Scouts will complete the flowers on May 31st. She also requested to purchase larger Christmas lights for the Christmas tree next year. Trustee Vomacka also stated she had been working with DPW Supt. Paul O’Kosky in regard to getting water and sewer hooked up to the Blockhouse.

Trustee Wood-Shaw reported there were 30 people in attendance for the April Senior Time to celebrate the retirement of Tom Messore from the Community Center. The May program will be

the last until September. Trustee Wood-Shaw received a letter from Senator Kathy Marchione stating May 6<sup>th</sup> as Senior Citizens Day. Trustee Wood-Shaw will be attending the Emergency Mgmt. Mtg on June 12<sup>th</sup> for executive training. She stated she heard from residents there were not enough garage sales during garage sale weekend, but the weather was not being cooperative. The Community Center is working on the community garden, they have received \$5000.00 from the Town of Stillwater for the project. A new preschool class "Room to Bloom" will be started at the Community Center after Diane DeMidio retires.

#### TREASURER REPORT – Sheristin Tedesco

Voucher totals by account for month.

"A" General Fund	\$ 26,795.38
"F" Water Fund	\$ 10,555.12
"G" Sewer Fund	\$ 13,140.21
TOTAL	\$ 50,490.71

Treasurer Report for April 2014 – copies provided to all board members listing all bank accounts with all receipts and expenditures.

Updated revenue/expenditure control reports – copies provided to all board members.

Relevy Amount for Water and Sewer bills is \$130,300.96 to be added to the June 1 tax bills of \$290,703.76 for a grand total village tax warrant of \$421,004.72.

The relevy amount is roughly 22% of the amount billed to inside users for the fall 2013 & spring 2014 billings.

**MOTION** to approve the budget adjustments as presented below made by Trustee Basile, seconded by Trustee Wood-Shaw.  
Motion carried 4-0

\$4000.00 from A.8540.400 Drainage Contractual to A.1420.400 Law Contractual to cover expenses for Hiscock & Barclay Bond Counsel work for the purchase of the excavator.

\$1500.00 from F.8340.401 Water Supplies to F.8340.403 Electricity to cover increased electrical costs.

**MOTION** to accept the ATC Tax Software proposal to link the Village taxes to the Village website through taxlookup.net at a cost of \$500 per year, with the first year to be free, made by Trustee Basile, seconded by Trustee Campbell.  
Motion carried 4-0

**MOTION** to open the floor to the public and press made by Trustee Vomacka, seconded by Trustee Campbell.  
Motion carried 4-0

**MOTION** to close the floor to the public and press made by Trustee Vomacka, seconded by Trustee Campbell.  
Motion carried 4-0

#### NEW BUSINESS

##### BOND RESOLUTION

A meeting of the Board of Trustees of the Village of Stillwater, Saratoga County, New York, was convened in public session at the Village of Stillwater, New York on May 20, 2014 at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Mayor Martin, and upon roll being called, the following were:

Present	Absent
Ernest W. Martin	X
John A. Basile	X
Judith Wood-Shaw	X
Timothy J. Campbell	X
Ellen R. Vomacka	X

The following resolution was offered by Trustee Basile, who moved its adoption, seconded by Trustee Campbell, to-wit:  
Bond Resolution Dated May 20, 2014

A Resolution Authorizing the Acquisition of a Mini Excavator for the Department of Public Works, and Authorizing the Financing of Said Acquisition by Either the Issuance of Serial Bonds in an Aggregate Principal Amount Not to Exceed \$110,000 Pursuant to the Local Finance Law or the Execution and Delivery of an Installment Purchase Contract in a Principal Amount Not to Exceed \$110,000 under Section 109-b of the General Municipal Law, as the Village Treasurer Shall Determine.

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 of all the members of the Board) as follows:

Section 1. The specific object or purpose (herein referred to as "Purpose") to be financed is the acquisition of a 2014 Caterpillar 308E2 CRSE2 mini excavator for the Department of Public Works. The estimated maximum cost of said Purpose is \$110,000.

Section 2. The Board of Trustees plans to finance the total cost of said Purpose by either the issuance of serial bonds of the Village in an amount not to exceed \$110,000, hereby authorized to be issued therefore pursuant to the Local Finance Law, or the execution and delivery of an installment sale contract by the Village in an amount not to exceed \$110,000, hereby authorized to be entered into pursuant to Section 109-b of the General Municipal Law.

Section 3. It is hereby determined that said purpose is an object or purpose described in subdivision 28 of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 15 years.

Section 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not 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 the Purpose 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 the bonds authorized hereby 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:

(a) authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes,

(b) prescribe the terms, form, content, and the manner of execution of the serial bonds authorized by this resolution and said bond anticipation notes, including the consolidation with other issues,

(c) issue serial bonds with substantially level or declining annual debt service, and  
(d) 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.

There is further delegated to the Village Treasurer the power to choose to either finance the Purpose through the issuance of a bonds and/or bond anticipation notes or through the execution and delivery of an installment sale contract; provided, however, that the Village Treasurer can choose to the installment sale contract alternative only if the Treasurer (i) obtains information on the costs of financing with both bonds and/or notes as well as with an installment purchase contract, (ii) determines that the cost of financing with an installment purchase contract is less than the cost of financing with bonds and/or notes, and (iii) obtains proposals for installment purchase contract financing providers from at least two sources and consummates the financing with the lowest cost provider or provides a statement the reasons for not selecting the lowest cost provider.

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, or the interest component of payments under an installment purchase contract, authorized by this resolution, and any notes issued in anticipation of such bonds, 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 and the installment purchase contract authorized by this resolution, and any notes issued in anticipation of such bonds, 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 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 acquisition of a 2014 Caterpillar 308E2 CRSSB mini excavator is a Type II action which 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, the official newspaper of said Village.
- Section 13. The Village is authorized to finance the Purpose by entering into an installment purchase contract (a "Contract") as defined in Section 109-b of the General Municipal Law. The power to prescribe the terms, form and contents of the Contract, subject to the provisions of this Resolution and the General Municipal Law, and to execute and deliver the Contract, is hereby delegated to the Village Treasurer. The Village Treasurer is hereby authorized to sign and the Village Clerk is hereby authorized to attest any Contract entered into pursuant to this Resolution, and the Village Clerk is hereby authorized to affix to such Contract the seal of the Village.

Section 14. Any Contract entered into pursuant to this Resolution shall contain a clause materially the same as the following: "This contract shall be deemed executory only to the extent of monies appropriated and available for the purpose of the contract, and no liability on account thereof shall be incurred by the Village beyond the amount of such monies. This contract is not a general obligation of the Village of Stillwater, Saratoga County, New York. Neither the full faith and credit nor the taxing power of the Village of Stillwater, Saratoga County, New York, are pledged to the payment of any amount due or to become due under this contract. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to appropriate or make monies available for the purpose of this contract."

Section 15. The firm Hiscock and Barclay, LLP is hereby appointed Bond Counsel of the Village in connection with the bonds and notes and installment purchase contract herein authorized.

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

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

Ernest W. Martin, Mayor	voting	<u>Aye</u>
John A. Basile	voting	<u>Aye</u>
Judith Wood-Shaw	voting	<u>Aye</u>
Timothy J. Campbell	voting	<u>Aye</u>
Ellen R. Vomacka	voting	<u>Aye</u>

The foregoing resolution was thereupon declared duly adopted.

**MOTION** to transfer the remaining monies at year end May 31, 2014 from A.7110.400 Parks Contractual to the newly set up account of A.0870.400 General Reserve Parks Contractual for future parks and recs purchases made by Trustee Wood-Shaw, seconded by Trustee Campbell. Motion carried 4-0

#### **OLD BUSINESS**

**MOTION** to approve the audit claims for the month made by Trustee Vomacka, seconded by Trustee Basile  
Motion carried 4-0

**MOTION** to approve the Treasurer's report made by Trustee Vomacka, seconded by Trustee Campbell  
Motion carried 4-0

**MOTION** to approve the minutes from Regular Meeting dated 4/15/14 made by Trustee Vomacka, seconded by Trustee Campbell  
Motion carried 4-0

**MOTION** to enter into Executive Session for litigation issues made by Trustee Vomacka, seconded by Trustee Campbell  
Motion carried 4-0

**MOTION** to exit Executive Session for litigation issues made by Trustee Wood-Shaw, seconded by Trustee Campbell  
Motion carried 4-0

The Board agreed that the meetings for June, July and August 2014 will begin at 6:00 pm.

**MOTION** to adjourn made by Trustee Vomacka, seconded by Trustee Campbell  
Motion carried 4-0

Meeting adjourned 9:00 pm

Respectfully submitted,



Sheristin Tedesco  
Clerk/Treasurer