

PUBLIC HEARING-REGULAR MEETING-BOARD OF TRUSTEES-JUNE 18, 2002-7:00 P.M.

PRESENT: ERNEST W MARTIN, MAYOR; TRUSTEES – THOMAS KINISKY, JOHN MURPHY, JOHN TREACY, RAYMOND WALKER

ALSO PRESENT: ATTORNEY, WILLIAM F REYNOLDS; BUILDING CODE OFFICER, MARTIN RICCARDI; SUPT OF PUBLIC WORKS, RUSSELL LAQUIDARA; FIRE CHIEF, JEFF MAHAR*

Mayor Martin called the public hearing to order he read the Notice of Public Hearing that was published in the newspaper.

MOTION to open the floor to the public and press was made by Trustee Murphy, seconded by Trustee Treacy.

Motion carried 4-0

Mayor Martin explained that the change to the law is to raise the rates charged for building permits to \$25.00 for alterations and \$50.00 for new construction. The justification is that costs have increased since the original fees were initiated and the fees have not been increased.

MOTION to close the floor to the public and press made by Trustee Murphy, seconded by Trustee Treacy.

Motion carried 4-0

Mayor Martin called the regular meeting to order and led the Pledge to the Flag.

BUILDING CODE OFFICER – Martin Riccardi

Framing inspection of an addition, American Legion; final inspection issued a certificate of occupancy, addition, Colonial Road; footing inspection for a new home, Colonial Road; final inspection in-ground pool, issued a certificate of compliance, Colonial Estates; final inspection above-ground pool, issued a certificate of compliance, North Hudson Avenue; foundation inspection, new home, Colonial Road.

SUPT. OF PUBLIC WORKS – Russell Laquidara

Supt. reviewed the report he submitted to the Board. Trustee Walker questioned if he has any thoughts regarding the water breaks the Town has experienced recently. Supt. feels 1st could be an act of god, the second could be from changes in pressure during the repair work it is very common to have two breaks together. Trustee Kinisky questioned if the salt shed is started. Supt. advised there were some miscommunications with the workers, job should be completed next week. Trustee Murphy has received a request from a resident of St. Johns Place to have a new water line installed to his residence. The current line is one-inch and also feeds another residence. The resident does not have enough water pressure. Resident has been invited to attend the next meeting to explain further.

SPECIAL GUEST – Mr. Bruce Ringrose, J. Kenneth Fraser and Associates

Mayor Martin introduced Mr. Ringrose, he explained he invited Mr. Ringrose to explain the recent grant application that was submitted with regard to flooding on Lake Street.

Mr. Ringrose explained the flooding that is occurring in the Lake Street area. He explained the Village has been working with the Town preparing a flood mitigation study. The Village was invited to submit a grant application for funding to make improvements to the drainage in the area. Grants are matching type grants 25% Village 75% grant money. The grant application has been submitted the applications are in the process of being reviewed by the State. The State will make recommendations to FEMA; FEMA will also review the applications and then make final determinations who will receive funding. The award money must be committed by the end of September; therefore, we will not have a long time to wait to see if we will be funded.

The plan is to address flooding in the following manner: canal embankments are worn away FEMA money should not be used to rebuild embankments, they feel this is normal maintenance. The project will address replacing catch basins and drainpipe to handle the water that is overflowing from the canal. There is no drainage system that will handle all types of storms; normal storms will be taken care of by this project.

Trustee Murphy questioned if the Village's 25% could be in kind services, he also questioned how many applications were submitted.

Mr. McClements, Lake Street stated he never had water in his basement for 17 years, now he has water every time it rains. Mrs. McClements showed pictures of the flooding in their yard the day after the last rainstorm, she explained the water has been there for 3 days. Mr. McClements stated the problem has increased significantly since the DPW garage was built. Mr. Ringrose feels there is a problem with the existing drainpipe, it is either collapsed or plugged. Mayor Martin explained part of the application addresses all of these issues. Mr. Ringrose explained the plan is to install 24" drain, concept to pickup all water coming from field, send to creek without going through residents yards, this should not have a large impact on the creek.

Trustee Walker questioned if it would be advisable to raise the banks of the canal as a maintenance project or would it be cost prohibitive. Mr. Ringrose explained the prior estimate for this project was \$160,000.

Mr. McClements stated since the current pipe is not working he would request that the village clean out the pipe to see if this would alleviate the problem he is currently having.

Trustee Murphy questioned if there would be any benefit to cleaning out the present line. Mr. Ringrose stated that the Village needs to contribute 25%, perhaps it would be beneficial to install a new line along the tennis court as a start to this project.

Trustee Walker suggested that they hire someone to send a camera along the pipe to see if anything is clogging the line.

Mayor Martin thanked Mr. Ringrose for his information.

COMMITTEE REPORTS

Trustee John Murphy – Trustee Murphy reviewed installation of water line along Dick Lynch Road. He has drawn up several contracts to be distributed to residents along the north side of Dick Lynch Road offering them connections to the Village main. They need to sign contracts, supply Village with a deposit to cover any failure to pay, pay the tapping fee and purchase a meter. It would require more investigation and working with the Town Water Committee to provide water to homes located on the south side of Dick Lynch Road.

Trustee Murphy explained that there have been some problems with water in the Village & Town recently. The Town of Stillwater had two water breaks, due to the interruption of service a boil water advisory was posted by the NYS Dept. of Health. The advisory requires 2 consecutive days with no positive test for bacteria. The Town received another positive test this weekend; Village issued a boil water advisory as a precaution. Testing was done throughout the Village, one home at the south end of the Village tested positive. The boil water advisory will remain in effect throughout the Village until 2 consecutive days of positive test results are received.

Trustee Thomas Kinisky – nothing

Trustee John Treacy – attended the Historical Society meeting, Trustee Treacy distributed a calendar of events throughout Saratoga County for 225th Anniversary Celebration of the Battles. Supt. anticipates completion of projects before beginning Colonial Road. Skateboard Park application was turned down this year, we will be sending a letter keeping it active for the next round of funding. Small Cities Block Grant progress: 1 owner occupied qualified, 2 renter occupied qualified and 4 façade restorations, public facilities needed to be delayed Beautification Committee not ready to locate the street lights and clock. The Canal Corridor archaeological study was very high. Steve Kirk would like to write a letter to the Canal Corp or SHIPO requesting not to do study due to cost. Mr. Ringrose said since it is a lease instead

of a purchase they may agree. Discussion was held regarding the area the Village wishes to lease.

Trustee Raymond Walker - nothing

***FIRE CHIEF** – Jeff Mahar

Chief Mahar requested permission to take ETA out of service on Saturday for the Parade.

MOTION authorizing the Fire Department to take ETA out of service to attend the parade was made by Trustee Murphy, seconded by Trustee Walker.

Motion carried 4-0

MOTION to open the floor to the Public and Press was made by Trustee Murphy, seconded by Trustee Kinisky.

Motion carried 4-0

The press asked questions that were answered.

Mrs. Anne Myott thanked Board for getting grant for Village, she is confused about that is expected regarding signage. Trustee Treacy explained part of the grant is for façade restoration, we are requesting owner involvement in the planning so that some of the money does not need to be used to pay an architect. Mrs. Myott questioned why she needs to replace the existing sign; it works it just needs cleaning. Trustee Murphy stated the full Board has not discussed the sign issue. It was discussed and decided that the sign would only need to be cleaned, not replaced.

David McClements questioned if the storm drain is blocked could he expect the Village to take care of this maintenance problem. Mrs. McClements questioned if they should delay fixing their fence until some of the work is done. Trustee Kinisky suggested they wait until he could speak to Mr. Ringrose again regarding when the work could begin. Trustee Murphy would like to begin the project with the Village doing their share of the project now.

Trustee Kinisky requested Supt. Laquidara ask former Supt. Rathbun to review the tapes with him to attempt to identify the tape from the area in question.

A resident of Lake Street stated the small pickups are using Lake Street as a mini drag strip. Mayor Martin will contact police to patrol that area.

MOTION to close the floor to the public and press was made by Trustee Murphy, seconded by Trustee Walker.

Motion carried 4-0

ATTORNEY – William F. Reynolds

Vendor Law – Attorney Reynolds questioned if the only change to the vendor law should be the rates and what the Board would like to establish as rates. After reviewing recent Supreme Court ruling Village Law is within scope of opinion.

Trustee Murphy spoke regarding the annoyance created by the ice cream truck continuously playing the same music over and over. Attorney Reynolds advised there is a section relating too loud or annoying bells or music.

Attorney Reynolds questioned if the Board would like to have the bell or music totally eliminated. Trustee Murphy would like it turned off while they are stopped. It was decided to ban the music while they are stopped only.

Mayor Martin advised vendor permits are currently \$10.00 per day and \$50.00 per year, Mayor would like to raise fees to \$25.00 per day and \$100.00 per year.

NEW BUSINESS

Mayor Martin advised he was a guest of the Board of supervisors today. Resolution #103 was passed at the meeting; this resolution authorizes \$180,000 to be distributed to Villages in Saratoga County.

**RESOLUTION DETERMINING THAT ACTION TO APPROVE
FUNDING OF A CERTAIN PROJECT WILL NOT HAVE A
SIGNIFICANT EFFECT ON THE ENVIRONMENT**

WHEREAS, the Board of Trustees of the Village of Stillwater, Saratoga County, New York (the "Village") is considering undertaking the acquisition of a vacant parcel of land located at North Hudson Avenue, Stillwater, New York identified as tax map number 243.76-2-1 (the "Project")

WHEREAS, the vacant land is being acquired for future use by the Village for construction of storage facility for historical fire apparatus.

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law, Chapter 43-b of the Consolidated Laws of New York, as amended (the "SEQRA Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York ("DEC"), being 6 NYCRR Part 617, as amended (the "Regulations"), the Village desires to comply with the SEQRA Act and the Regulations with respect to the Project; and

WHEREAS, the Village has prepared an environmental assessment form for the Project (the "EAF"), a copy of which was presented to and reviewed by the Village at this meeting a copy of which is on file in the office of the Village Clerk; and

WHEREAS, the Village has considered the potential environmental effects of the Project using the criteria specified in Section 617.7 of the Regulations; and

WHEREAS, pursuant to the Regulations, the Village has examined the EAF and such other information it deems appropriate in order to make a determination as to the potential environmental significance of the Project; and

WHEREAS, the Project constitutes an "Unlisted Action" (as defined by the Regulations);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF STILLWATER, SARATOGA COUNTY, AS FOLLOWS:

1. Based on examination of the EAF and based further upon the Village's knowledge of the area surrounding the Project and such further investigation of the Project and its environmental effects as the Village has deemed appropriate, the Village makes the following findings with respect to the Project:
 - (a) The Project is describe in the EAF;
 - (b) The Project constitutes and "Unlisted Action" (as defined in the Regulations);
 - (c) No potentially significant effect on the environment is noted in the EAF for the Project, and none are known to the Village;
 - (d) The Project will not have any significant adverse environmental impacts, and the Village will not require the preparation of an environmental impact statement with respect to the Project; and
 - (e) As a result of the foregoing, the Village has prepared a negative declaration with respect to the Project.
2. The Village Clerk is hereby directed to file a negative declaration with respect to the Project (said negative declaration to be substantially in the form and substantially to the effect of the negative declaration attached hereto); and a copy of the negative declaration shall be maintained in the office of the Village Clerk in a file that will be readily accessible to the public.
3. This resolution shall take effect immediately.

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

Discussion was held regarding the immediate need for a storage facility for the steamer.

Roll Call vote: Trustee Murphy – yes
Trustee Kinisky – yes

Trustee Walker – yes
Trustee Treacy – yes

Motion carried 4-0

**BOND RESOLUTION OF THE VILLAGE OF STILLWATER,
SARATOGA COUNTY, NEW YORK AUTHORIZING THE
ISSUANCE OF \$130,000 SERIAL BONDS TO FINANCE THE
COST OF THE ACQUISITION OF VACANT LAND LOCATED
AT NORTH HUDSON AVENUE, STILLWATER, NEW YORK.**

WHEREAS, all conditions precedent to the financing of the capital project described above, including compliance with the provisions of the State Environmental and Quality Review Act, have been performed; and

WHEREAS, it is now desired to provide the financing of such capital project;

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Stillwater, Saratoga County, New York (the “Village”), as follows:

Section 1. The acquisition of vacant land located at North Hudson Avenue, Stillwater, New York identified as tax map number 243.76-2-1 is hereby authorized at a maximum estimated cost of \$130,000

Section 2. The plan for financing of such maximum estimated cost shall be the issuance of \$130,000 serial bonds (the “Bonds”) of the Village authorized to be issued pursuant to this bond resolution and the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty (30) years, pursuant to subdivision 21(a) of paragraph (a) of Section 11.00 of the Local Finance Law; provided however, that the maximum maturity of the Bonds authorized shall be computed from the date of issuance of the Bonds or the first bond anticipation notes issued in anticipation of the Bonds, whichever date it earlier. The proposed maturity of the Bonds will be in excess of five years.

Section 4. Pursuant to Section 107.00(d)(9) of the Local Finance Law, current funds are not required to be provided prior to issuance of the Bonds or any bond anticipation notes issued in anticipation of issuance of the Bonds.

Section 5. The temporary use of available fund of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Local Finance Law, for the capital purposes described in Section 1 of the bond resolution.

Section 6. The Bonds and any bond anticipation notes issued in anticipation of the Bonds, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village without legal or constitutional limitation as to rate or amount. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds, and any bond anticipation notes issued in anticipation of the Bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the Bonds and bond anticipation notes to mature in such year, and (b) the payment of interest to be due an payable in such year.

Section 7. subject to the provisions of this bond resolution and of the Local Finance Law, and pursuant to the provisions of Section 21.00, 30.00, 50.00 and 56.00 to 63.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, and the power to prescribe the terms, form and contents of the Bonds, and any bond anticipation notes, and the power to sell and deliver the Bonds and any bond anticipation notes issued in anticipation of the issuance of the Bonds, and the power to sell and deliver bonds providing for substantially level or declining annual debt

service, is hereby delegated to the Village Treasurer, the Chief Fiscal Officer of the Village.

Section 8. This bond resolution is intended to constitute the declaration of the Village's "official intent" to reimburse the expenditures authorized by the Bond Resolution with proceeds of the Bonds and bond anticipation notes authorized herein, as required by Treasury Regulation Section 1.150-2. Other than as specified in this bond resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long term basis, or otherwise set aside with respect to the permanent funding of the objects or purposes described herein.

Section 9. The validity of the Bonds authorized by this bond resolution and of any bond anticipation notes issued in anticipation of the Bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or
- (b) the provision of law which should be complied with at the date of the publication of this bond resolution or a summary thereof are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

- (c) such obligations are authorized in violation of the provisions of the Constitution of New York.

Section 10. This bond resolution, or summary thereof, shall be published in full in the official newspapers of the Village for such purpose, together with a notice of the Clerk of the Village in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 11. The Board of Trustees hereby determines that the provisions of the State Environmental Quality Review Act and the regulations thereunder have previously been satisfied with respect to the expenditures authorized by this bond resolution.

Section 12. This bond resolution is adopted subject to permissive referendum in accordance with Section 36.00 of the Local Finance Law. This resolution shall take effect thirty (30) days after its adoption or if a petition is filed pursuant to Article 9 of the Village Law, upon the affirmative vote of a majority of the qualified electors of the Village voting on the referendum.

Mayor Martin requested a motion on the foregoing resolution. The motion was delayed until the Attorney could review the resolution from Bond Council

Trustee Walker reminded the Supt. that the shut off valve needs to be repaired at the LeClaire property on Colonial Road.

OLD BUSINESS

Generator – Trustee Treacy questioned if the specs provided are from the engineer. Various options were discussed (ventilation/automatic start) Mayor Martin suggested that the money we received from the County of Saratoga be used to pay for the generator. Trustee Kinisky would prefer to save that money and bond the cost of the generator.

Board would like more information regarding ventilation. Supt. will get more specific information regarding costs so that a bonding resolution can be passed as soon as possible.

It was decided to deposit the \$20,000 from the County of Saratoga in the Capital Fund and save it for the steamer building.

MOTION to adopt Local Law #2 of the year 2002 amending the Building Code Law made by Trustee Murphy, seconded by Trustee Kinisky.

Motion carried 4-0

MOTION to authorize the Mayor to enter into a contract with the Senior Citizens Center and make the budgeted donation of \$600.00 made by Trustee Murphy, seconded by Trustee Kinisky.

Motion carried 4-0

MOTION to authorize the Mayor to enter into a contract with the Stillwater Free Library and make the budgeted donation of \$4132.00 made by Trustee Walker, seconded by Trustee Treacy.
Motion carried 4-0

MOTION to authorize the Mayor to enter in to a contract with the Stillwater Area Community Services Center and to make the budgeted donation of \$5,750.00 made by Trustee Murphy, seconded by Trustee Walker.
Motion carried 4-0

Proposed bond resolution, Attorney approved the resolution, however, he would like a separate resolution authorizing the Mayor to sign a contract with the property owner contingent on an appraisal from a qualified appraiser supporting the fair market price of the property being purchased. Attorney will write a letter to realtor and Attorney for the seller outlining the necessary requirements for the village to purchase the land.

MOTION authorizing the Mayor to sign a contract to purchase land contingent on an appraisal by a qualified appraiser made by Trustee Kinisky, seconded by Trustee Walker.
Motion carried 4-0

Discussion was held regarding whether the Board should vote on the bonding resolution at this meeting. Resolution is subject to permissive referendum; however, board could hold a mandatory referendum rather than wait to see if a petition is filed. Attorney clarified the difference between and permissive referendum and a mandatory referendum. He also explained it is not necessary to hold a public hearing on this matter. It was decided to hold a special meeting for the bonding resolution after the appraisal is received.

It was decided the July meeting of the Board, which is July 16th, will be held at 6:00 P.M.

MOTION to approve the Treasurer Report as presented made by Trustee Murphy, seconded by Trustee Treacy.
Motion carried 4-0

MOTION to approve the minutes of May 21, 2002 made by Trustee Treacy, seconded by Trustee Kinisky.
Motion carried 4-0

MOTION to approve the audited claims:

A	\$17,563.30
F	\$ 6,912.06
G	\$ 6,932.12

Made by Trustee Murphy, seconded by Trustee Treacy.
Motion carried 4-0

MOTION to adjourn made by Trustee Walker, seconded by Trustee Treacy.
Motion carried 4-0

Meeting adjourned at 9:30 P.M.

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer