

REGULAR MEETING -BOARD OF TRUSTEES-SEPTEMBER 15, 2009-7:00 P.M.

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

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

Mayor Martin called the meeting to order at 7:05 P.M. and led the Pledge to the Flag.

The Mayor introduced William Van Gorder from Mang Insurance who gave a presentation on NYMIR and provided an agency proposal for the Board's review. The Mayor asked if joining NYMIR was a mandate and Mr. VanGorder explained Mang is the Servicing Agent for Saratoga County. Adirondack Trust and Sefcu have one year to enroll their customers; after that time, Mang Insurance will be the sole representative. A meeting will be scheduled to discuss having Mang quote the Village package.

Jim Smith spoke about creation of the Village website. Set up costs would be \$400 with a \$10 annual domain fee plus \$20 per month for hosting. Trustee Collins confirmed domain specific email would be available and a written proposal was distributed to the Board.

CORRESPONDENCE

Mayor read a letter of thanks from the United Church and spoke about the passing of William "Bud" Deuel on August 18, 2009. Mr. Deuel was well liked, always available, and he will be missed.

BUILDING CODE OFFICER – Lynn Goman

Mr. Goman reviewed his written report (copy on file) and informed the Board he would be temporarily unavailable beginning September 24 for medical reasons.

FIRE CHIEF – Shane Mahar

Chief Mahar reviewed his written report (copy on file) and provided an update on the sale of the 1980 FMC as well as the current status of the 1975 Maxim. Discussion held on updating the by-laws and the Chief confirmed their election date should be changed to coincide with the Village. Trustee Collins thanked the Department for their assistance at a trailer fire during Labor Day weekend.

SUPT. OF PUBLIC WORKS – Robert Gerasia

Supt. Gerasia reviewed his report for the month (copy on file) Provided a diagram and explanation of how water moves through our system and why Tonka says it's a problem. The Supt. reminded the Board Brewer Engineering did the design, not Tonka and a recommendation of alterations is expected. Questions were asked and answered regarding current backwash procedures and the effect of the frac tanks.

Truck #1 no longer in service, a quote to replace on State contract was distributed; the Supt. stated after this purchase we shouldn't need any new vehicles for 7 or 8 years.

COMMITTEE REPORTS

Trustee John Basile – reviewed his written report (copy on file) and spoke about a letter from NYS DEC's Galusha to Delaware Engineering which requires a response by September 20.

Trustee Keith Collins – Phase 1B of the water project is complete, alignment is almost finished with test boring to take place next. Most permits have been requested although not yet received.

Trustee Ellen Vomacka – met with Mayor and Steve Streeter who doesn't expect a footing issue will be found; he believes it is strictly water damage. Mr. Streeter agreed to bore a hole at no additional charge to the Village to confirm this. Total cost is \$17,650 for building repairs and \$900 for siding on gable.

MOTION to approve Phase I from Top Notch Construction for the renovation on the front of the building amounting to \$17,650.00 Discussion: Trustee Basile confirmed they were referring to Items 1-13 of the proposal
Motion carried 4-0

MOTION to approve Phase II from Top Notch Construction for removal and replacement of siding on the gable in the amount of \$900.00 made by Trustee Vomacka, seconded by Trustee Baker
Motion carried 4-0

Trustee Vomacka was asked to advise Mr. Streeter his proposal was accepted and he is authorized to begin work the second or third week of October.

MOTION authorizing Jim Smith to create a website for the Village made by Trustee Vomacka, seconded by Trustee Baker Discussion: Site to be called VillageofStillwater.org Trustee Collins would like to register the .com and .net domains if they are available.
Motion carried 4-0

The Fire Department has been working on grants and by-laws and one has been discarded. Chief Mahar clarified those issues had been returned to committee for further review; they are still on the table and are still up for discussion. Some additional issues need to be addressed prior to be adopted as policy

Trustee Ken Baker – no report

ATTORNEY - James Peluso – no report

CLERK-TREASURER – Patti Ryan

MOTION authorizing the transfer of \$1,000.00 from 8320.2 F Source Equipment to 8330.2 F Purification Equipment to cover the purchase of valves for the WTP made by Trustee Basile, seconded by Trustee Baker
Motion carried 4-0

Two BANs are up for renewal at the end of the week, the bonding attorneys have been contacted and a copy of their proposal has been given to the Board. The Clerk requested direction on how to proceed since the cost could be up to \$1500 but has not been budgeted for.

MOTION to accept the proposals from Hiscock and Barclay dated September 15, 2009 for a fee not to exceed \$1500 made by Trustee Basile, seconded by Trustee Collins Discussion: Another option is for BSNB to draw up the paperwork for the renewals and have reviewed by their outside attorney at a cost of \$200 per hour.

Motion tabled to executive session.

MOTION authorizing renewal of NYS pesticide license at a cost of \$200 by Trustee Basile, seconded by Trustee Collins
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

Marty Riccardi of Palmer Street asked who is responsible for enforcing Local Law #1 of the year 2009 regulating vehicles and traffic; if someone has a complaint about a violation, who should they speak to? Mr. Peluso stated it's the same as any other village law; it can be brought to the attention of the Board or the local police department. Trustee Collins said he thought it should be brought to the attention of local law enforcement first; if they failed to enforce, the complaint should be addressed to the Board. Mr. Riccardi has been to both parties on prior occasions and hasn't gotten any results.

Lengthy discussion took place regarding Mr. Riccardi's inability to enter and exit his driveway due to being blocked by vehicles fitting the description of dead storage. Ernie Martin of Nielson Ave stated he has the same problem and provided a letter and photos to the Board. Among the suggestions given were to limit parking to a specified amount of time or to eliminate parking altogether with Mr. Riccardi asking who will enforce? Supt. Gerasia agreed something must be done and requested an additional amendment to the current law for no parking on the streets in the developments such as Clinton Court, Russell Drive, and Carpenter's from November 15 to April 15 for snowplowing.

Mayor Martin asked for two volunteers to join him on a committee to study and resolve the parking issues. Trustees Basile and Collins agreed with Trustee Collins stating he was in favor of a plowing ordinance. The public and the Board were asked to present all comments and suggestions to the Mayor within a week so he could include on the agenda for the October meeting and hold a public hearing.

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 accept the Van Bortel Ford Vehicle Purchase Proposal dated August 20, 2009 for Award # 20339 in accordance with the NYS OGS in the amount of \$24,900.50 made by Trustee Basile, seconded by Trustee Collins Discussion Trustee Collins asked the Supt. which line items in the budget covered this purchase and was referred to page 12, 5130.22H. The Supt. will advertise the old truck for sale "as is."
Motion carried 4-0

The fuel bid was tabled as only one supplier responded with a quote leaving the Board with insufficient information to make a decision.

Trustee Collins advised Dreyer Boyajian has recommended we retain separate counsel for out negotiations with Saratoga County Water Authority

MOTION to accept the proposal from Hiscock and Barclay for representation and negotiations with SCWA, lead attorney will be Garrett DeGraff at a rate of \$250.00 per hour with a total cost not to exceed \$3,000.00 made by Trustee Collins, seconded by Trustee Basile Discussion: Trustee Collins reviewed the four acts covered in the proposal.

Roll call vote:

Trustee Collins – aye
Trustee Vomacka – aye
Trustee Basile – aye
Trustee Baker – aye
Mayor Martin – aye
Motion carried 5-0

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

MOTION to approve the minutes of August 18, 2009 made by Trustee Basile, seconded by Trustee Collins
Motion carried 4-0

MOTION to approve the audited claims:

A - \$ 29,429.16
F - \$ 16,049.46
G - \$ 31,095.48
H - \$ 16,345.42

made by Trustee Baker, seconded by Trustee Vomacka.
Motion carried 4-0

MOTION to adjourn to executive session at 8:45pm to discuss litigation with General Electric, a legal opinion on existing bond renewals, personnel issue, and negotiation of easements for the SCWA connection made by Trustee Basile, seconded by Trustee Collins
Motion carried 4-0

Return to regular session

BOND ANTICIPATION NOTE RENEWAL RESOLUTION DATED SEPTEMBER 15, 2009

A Resolution Authorizing the Renewal of a Bond Anticipation Note for the Purchase of a 2008 Dodge one-ton dump truck and Issuance of Serial Bonds of the Village of Stillwater, Saratoga County, New York in an Aggregate Principal Amount Not to Exceed \$37,500 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, Saratoga County, New York (the "Village") (by favorable vote of not less than two-thirds – in other words, not less than four – of all the members of the Board) as follows:

Section 1. On September 16, 2008, the Village Board adopted a resolution authorizing the issuance and sale of bonds in the amount of Fifty Thousand (\$50,000) for the purpose (herein referred to as "purpose") of financing the purchase of a new 2008 one-ton Dodge dump truck.

Section 2. The Village Board hereby duly authorizes the renewal of the September 16, 2008 Bond Anticipation Note in the principal sum of Thirty Seven Thousand Five Hundred Dollars (\$37,500). Said Bond Anticipation Note as renewed, shall be due and payable on September 15, 2010 in said principal amount, together with accrued interest at a rate of 2.85% 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

Section 3. It is hereby determined that said purpose is an object or purpose described in subdivision 1. of paragraph (a) of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is 10 years.

Section 4. The Note authorized by this Resolution is a renewal note that shall mature within one (1) year from the date of its issue and is made in anticipation of the issuance of bonds for the aforementioned purpose.

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 all objects and purposes 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 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 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 authorized bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolutions 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 Mayor, 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 Mayor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Village Mayor 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 nay notes issued in anticipation thereof, 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 reasonable 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 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 11. This resolution shall take effect immediately upon its adoption.

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

Mayor Ernest Martin	Aye
Trustee Kenneth Baker	Aye
Trustee John Basile	Aye
Trustee Keith Collins	Aye
Trustee Ellen Vomacka	Aye

The resolution was thereupon declared duly adopted.

BOND ANTICIPATION RENEWAL NOTE RESOLUTION

AUTHORIZING THE RENEWAL OF A BOND ANTICIPATION NOTE IN ANTICIPATION OF THE SALE OF SERIAL BONDS AUTHORIZED TO FINANCE THE SPLITTING OF THE SANITARY FORCE MAIN ALONG HUDSON AVENUE.

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

ADOPTED SEPTEMBER 15, 2009

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

WHEREAS, this Board has on September 12, 2005, adopted a resolution authorizing the issuance and sale of bonds in the amount of One-Hundred Thousand Dollars (\$100,000) for the purpose of financing the splitting of the sanitary force main along Hudson Avenue, and

WHEREAS, said Board did on November 30, 2005 further adopt a Resolution authorizing the issuance of a Bond Anticipation Note in the amount of Fifty Thousand Dollars (\$50,000) for the purpose of financing the splitting of the sanitary force main along Hudson Avenue; and

WHEREAS, pursuant to said Resolutions a Bond Anticipation Note in the amount of \$100,000 was issued on September 13, 2005 to Ballston Spa National Bank, and a Bond Anticipation Note in the amount of \$50,000 was issued on December 5, 2005 to Ballston Spa National Bank, and

WHEREAS, pursuant to a Resolution dated September 19, 2006, said Bond Anticipation Notes were renewed in the consolidated sum of \$130,000 due and payable on September 16, 2007, and

WHEREAS, pursuant to a Resolution dated September 18, 2007, said Bond Anticipation Notes were renewed in the sum of \$110,000.00 due and payable on September 20, 2008;

WHEREAS, pursuant to a Resolution dated September 16, 2008, said Bond Anticipation Notes were renewed in the sum of \$90,000.00 due and payable on September 20, 2009;

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 September 17, 2008 Bond Anticipation Note in the principal sum of Seventy Thousand Dollars (\$70,000). Said Bond Anticipation Note as renewed, shall be due and payable on September 12, 2010 in said principal amount, together with accrued interest at a rate of 2.85% 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 sanitary force main project along Hudson Avenue.
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 September 17, 2008 in the amount of Ninety Thousand Dollars (\$90,000), which said Note is due and payable on September 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 2.85% 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 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.

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

Mayor Ernest Martin	Aye
Trustee Kenneth Baker	Aye
Trustee John Basile	Aye
Trustee Keith Collins	Aye
Trustee Ellen Vomacka	Aye

The resolution was thereupon declared duly adopted.

MOTION to adjourn made by Trustee Basile, seconded by Trustee Collins
Motion carried 4-0

Meeting adjourned at 10:05pm

Respectfully submitted,

Patricia A. Ryan
Clerk-Treasurer