

REGULAR MEETING-BOARD OF TRUSTEES-SEPTEMBER 18, 2007-7:00 P.M.

PRESENT: ERNEST W. MARTIN, MAYOR; TRUSTEES – JOHN MURPHY, RAYMOND WALKER, KENNETH BAKER

ALSO PRESENT: ATTORNEY, JAMES PELUSO; FIRE CHIEF, SHANE MAHAR; BUILDING CODE OFFICER, LYNN GOMAN

Mayor Martin called the regular meeting to order at 7:00 p.m. and led the Pledge to the Flag.

CORRESPONDENCE-None

BUILDING CODE OFFICER-Lynn Goman

Five permits issued; 380 N. Hudson, Stillwater Library, 7 Ferry Lane, 22 Major Dickinson, 10 Russell Drive. Attended meeting August 30 on flood mapping, information is on file in the Clerk's office. The retail center has provided their insurance information but have not paid for or picked up their permit.

FIRE CHIEF-Shane Mahar

The Chief reviewed his monthly report. (Copy on file)

MOTION to approve Nicole Schermerhorn as an active member pending license and arson background checks made by Trustee Murphy, seconded by Trustee Walker. Motion carried 3-0

DEPARTMENT OF PUBLIC WORKS-Robert Gerasia-Absent

Mayor reviewed the Supt.'s written report. (Copy on file)

COMMITTEE REPORTS

Trustee John Murphy-requested executive session regarding a contract matter and provided information on the recent joint water committee meeting with the Town.

Trustee Raymond Walker-ZBA training to take place on September 25 at 7pm with representatives from Saratoga County.

Trustee John Basile-absent-Trustee Walker gave report regarding response to DEC on "Order on Consent. Voluntary removal of sump pumps expired August 31 and the DPW began inspecting for illegal connections on September 10.

Trustee Kenneth Baker-nothing to report

CLERK-TREASURER-Margo Partak

BOND ANTICIPATION RENEWAL NOTE RESOLUTION

AUTHORIZING THE RENEWAL OF A BOND ANTICIPATION NOTE ISSUED ON THE 19th DAY OF SEPTEMBER 2006 IN THE AMOUNT OF \$130,000, 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**

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, a 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

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 19, 2006 Bond Anticipation Note in the principal sum of One Hundred Ten Thousand Dollars (\$110,000). Said Bond Anticipation Note as renewed, shall be due and payable on September 20, 2008 in said principal amount, together with accrued interest at a rate of 4.15% 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 19, 2006 in the amount of One-Hundred Thirty Thousand Dollars (\$130,000), which said Note is due and payable on September 16, 2007; (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 4.15% 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 2007. 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 2007 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.

MOTION to adopt the foregoing resolution made by Trustee Murphy, seconded by Trustee Walker.
Motion carried 3-0

The Clerk requested the Board make a decision regarding last month's proposal from Converged to install a new telephone system in the Village Offices. Discussion was held on what equipment was included and how it would impact the FD lines.

MOTION authorizing the Clerk Treasurer to hire Converged at a cost not to exceed \$5,450 made by Trustee Murphy, seconded by Trustee Baker.
Motion carried 3-0

ATTORNEY-James Peluso
No new business

MOTION to open the floor to the public and press made by Trustee Baker, seconded by Trustee Walker
Motion carried 3-0

Attorney Andrea DiDomenico spoke on behalf of clients Fred and Linda Tracy regarding their property on Tent Lane which is currently zoned residential. Discussion was held on what steps the Tracy's need to take in order to have the Board consider their concerns. Ms. DiDomenico was advised to send a letter to the Mayor specifically stating the Tracy's position and further discussion was held regarding the possibility of a public hearing after the Planning Board meets.

MOTION to close the floor to the public and press made by Trustee Murphy, seconded by Trustee Baker
Motion carried 3-0

OLD BUSINESS-none

NEW BUSINESS

MOTION adopting a resolution authorizing the Mayor to enter into a contract with Quentin Kestner at a cost not to exceed \$5,000, to prepare preliminary cost opinions for two different projects which would be the two alternatives available to the Village for addressing their future wastewater treatment needs for the next 25 years, subject to the approval of Mr. Peluso, made by Trustee Murphy, seconded by Trustee Walker
Motion carried 3-0

Discussion was held regarding drainage issues at the north end of the village across from Clinton Court there was some confusion as to who owns the property in question. The State recommends that no pipe be installed as it would deteriorate and create the same problem that exists today. The Board agreed to hire Joe Fitzpatrick to do excavation work at a cost of \$1,700 when and if it could be determined who actually owns the property. It was decided that a ditch would be dug with stone.

Additional discussion was held on drainage issues at the south end with a request that we work with the Town to resolve them. Supt. Minick will provide the labor if the Village will supply the pipe.

The Clerk Treasurer advised the Board there is no money available for drainage and in fact that account is already overspent by \$3,069.00. Trustee Murphy suggested the necessary funds be transferred from the grant payback balance to cover the current shortage and pay for Joe Fitzpatrick's labor as well as the pipe needed for the south end drainage work.

MOTION authorizing the Clerk-Treasurer to appropriate \$8,500 from the Community Development Loan repayments to be moved to the General Fund increasing A8540.4 (drainage) made by Trustee Murphy, seconded by Trustee Baker.
Motion carried 3-0

MOTION to approve the Treasurer Report made by Trustee Murphy, seconded by Trustee Baker
Motion carried 3-0

MOTION to approve minutes of August 21, 2007 made by Trustee Walker, seconded by Trustee Murphy
Motion carried 3-0

MOTION to approve the audited claims:

A	\$10,919.28
F	\$13,929.67
G	\$31,065.26
H	\$ 6,623.02

Made by Trustee Walker, seconded by Trustee Baker
Motion carried 3-0

MOTION to adjourn to executive session at 7:55 p.m. made by Trustee Murphy, seconded by Trustee Walker
Motion carried 3-0

MOTION to withhold all Community Center funding for 2007/08 including the 50,000 gallons free water and sewer beginning with April 2008 bill provided by the Village unless or until Village is contacted by Community Center made by Trustee Murphy, seconded by Trustee Walker.

Roll call vote:
Trustee Murphy-aye
Trustee Walker-aye
Trustee Baker-aye
Motion carried 3-0

MOTION to adjourn made by Trustee Walker, seconded by Trustee Baker.
Motion carried 3-0

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer