

REGULAR MEETING-BOARD OF TRUSTEES-SEPTEMBER 19, 2006-7:00 P.M.

PRESENT: MAYOR, ERNEST W. MARTIN; TRUSTEES – JOHN MURPHY, MARTIN RICCARDI

ABSENT: TRUSTEES – MICHAEL HANEHAN, RAYMOND WALKER

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

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

SPECIAL GUESTS: Representative of EJ Prescott (EJP)

Mr. Chris Goodrich gave a brief presentation regarding EJP's automated reading system for water meters. He explained if 600 units were to be purchased Sensus would provide software and support for the remote read system. Their estimated costs would be \$61,359.00

Representative of RAMSCO

Mr. Thayer Parish provided information regarding water meter reading systems that RAMSCO currently sells to water companies. He explained that could provide a system that could be used with existing meters that are in good working condition. They also offer water profiling software.

Mayor Martin thanked the Representatives from EJP and Ramsco for attending the meeting and providing important information.

CORRESPONDENCE

Clerk read a letter from Hillside Mobile Home Park offering a bid of \$5,000 for the purchase of the 1991 International Dump Truck.

MOTION authorizing the sale of the 1991 International Dump Truck to PNL Stillwater LLC for the bid of \$5,000 made by Trustee Murphy, seconded by Trustee Riccardi.

Motion carried 3-0

Clerk read a letter from the Stillwater Area Community Services Center thanking the Village for their annual contribution to the Center.

Clerk advised that she received a renewal notice for a service contract for the two computers that were purchased last year.

MOTION authorizing the Clerk-Treasurer to extend the service contract for the two computers in the Clerk's Office made by Trustee Murphy, seconded by Trustee Riccardi.

Motion carried 3-0

Mayor read a letter from the Village of Ballston Spa with regard to their upcoming Bicentennial celebration. They were requesting the Village of Stillwater purchase an ad for their heirloom booklet.

MOTION authorizing the purchase of ¼ page ad at a cost of \$100.00 made by Trustee Murphy seconded by Trustee Riccardi.

Motion carried 3-0

Mayor read a letter from Anthony & Colleen Adamec thanking the Board for their assistance with the drainage of their property in the Village.

Mayor read a letter from New York State Historic Office of Parks & Recreation (SHIPO) regarding the designation of the Stillwater United Church as a historic building. It is also to be nominated for the national register in Washington D.C.

BUILDING CODE OFFICER – Lynn Goman

Mr. Goman issued 6 building permits for the month: addition, St. Peters Center; new home Clinton Court/ garage, carport, window replacement, remodeling Lake St. Met with Mayor & property owner 78 Hudson Ave, again posted property. It is property owner's intent to take down building upon vacating by tenant.

FIRE CHIEF – Shane Mahar

Seven alarms for the month. Chief Mahar advised there is a problem with parking in front of the fire doors, would like to have it restriped if possible. He requested that a reminder be sent to the court & police reminding them of the no parking area.

Daytime Mutual Aid has begun.

Disaster Preparedness Committee of the Town of Stillwater, have been meeting monthly preparing for different disasters that could occur. Training classes will be provided for various officials. There will be a film regarding the disaster course at Arvin Hart Fire Dept. on October 12th beginning at 7:00 P.M.; upon completion of the course you can take the exam on line.

SUPT. OF PUBLIC WORKS – Robert Gerasia

Supt. provided a report of activities for the Board. He advised they did maintenance on hydrants and installed risers along Stratton Lane; replaced the sidewalk along the north side of School Street; did work on main pump station; water & sewer tap Clinton Court; repaired sewer Clinton Court; 2 employees are taking the activated sludge course at ACC.

Supt. advised that we received a letter from DOH with regard to the village well field being under the influence of surface water. Required testing will cost approximately \$275.00 per well.

MOTION authorizing the Supt. of Public Works to perform the necessary testing to determine if the Village of Stillwater Well field is under the influence of surface water made by Trustee Murphy, seconded by Trustee Riccardi.

Motion carried 3-0

Mayor advised we received correspondence from DOH reporting on a recent inspection at the water plant. Report stated all is well.

COMMITTEE REPORTS

Trustee Martin Riccardi – Received a draft response to DEC from Kestner Engineers, would like to have it sent out. Mayor spoke to Mr. Kestner advised he would contact him after the meeting.

MOTION to authorize response to be sent to DEC as drafted by Kestner Engineers made by Trustee Riccardi, seconded by Trustee Murphy.

Motion carried 3-0

Trustee John Murphy – Attorney corresponded to a variety of State Agencies with regard to the Village being named Lead Agency with regard to SEQR review for land in the Village owned by NKT Land Acquisitions. We will need an engineer to act on behalf of the village on this project.

MOTION authorizing the Mayor to enter into a contract agreement with “infinigy engineering” to act as our representative on the NKT Land Acquisition proposal made by Trustee Murphy, seconded by Trustee Riccardi.

Motion carried 3-0

Would like to contact Mr. Russell to advise him that the wishes of the Board are that he remove the current construction garage as the 1st phase of his project, proceed to construct one apartment building on that parcel and then complete the final phase constructing the apartment building that was the first application. He should then present this to the Board formally for review.

The Board would need to schedule a public hearing for SEQR review and give a formal presentation to the public.

Discussion was held regarding the project. Trustee Murphy will contact requesting they provide information on the project and smaller scale drawings for the Board to review.

Trustee Murphy has received complaints regarding dirt & noise created by the motor bikes behind the American Linen property.
Mayor would request police patrol the area to be sure they are not driving on the highways.

ATTORNEY – James Peluso

Sent a letter to counsel representing the petitioner regarding our Local Law making the village a non-assessing unit.

CLERK-TREASURER – Margo Partak

She advised she had a visit from the Labor Dept. they are stressing that all municipalities are required to make sure all employees, who work for anyone doing work for the village, are paid the prevailing wage.

She advised she had a visit from a representative of the Canal Corp. wanting to see plans for NKT Land Acquisitions property; they had concern that the property is adjacent to the river. After reviewing the proposed paperwork he feels a favorable response would be drafted to the village.

She advised she received half of the grant money for the startup package for the remote read water meter system.

Have a price for new windows based software, this would be to convert the current system to a windows program. Would like to be able to have this installed and be trained during the quiet winter months. Money received from Saratoga County could be used to purchase this software.

MOTION authorizing the Clerk-Treasurer to purchase new windows based software to be installed during the winter months at a cost of \$10,140.00 made by Trustee Murphy, seconded by Trustee Riccardi.

Motion carried 3-0

MOTION amending the Capital Fund Budget \$10140.00 increasing appropriation H1325.2 (Treasurer Equipment Upgrade) using fund balance from Saratoga County made by Trustee Murphy, seconded by Trustee Riccardi.

Motion carried 3-0

The Clerk advised there are two Bond Anticipation Notes due; they are for the forcemain split, Hudson Avenue. Need to combine the two notes into one. After the payment we would be borrowing \$130,000.

BOND ANTICIPATION RENEWAL NOTE RESOLUTION

AUTHORIZING THE RENEWAL OF A BOND ANTICIPATION NOTE ISSUED ON THE 13th DAY OF SEPTEMBER 2005 IN THE AMOUNT OF \$100,000, AND AUTHORIZING THE RENEWAL OF A OF A BOND ANTICIPATION NOTE ISSUED ON THE 5th DAY OF DECEMBER 2005 IN THE AMOUNT OF \$50,000, 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**

ADOPTED SEPTEMBER 19, 2006

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, said bonds having not as yet been sold, 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, said bonds having not as yet been sold; and

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, both of which said Bond Anticipation Notes are each due and payable on September 16, 2006.

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 13, 2005 Bond Anticipation Note and the December 5, 2005 Bond Anticipation Note, in the consolidated principal sum of One Hundred Thirty Thousand Dollars (\$130,000), said Bond Anticipation Note as renewed, shall be due and payable on September 16, 2006 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 13, 2005 in the amount of One-Hundred Thousand Dollars (\$100,000), which said Note is due and payable on September 16, 2006; (b) there is now outstanding a Bond Anticipation Note issued on December 5, 2005 in the amount of Fifty Thousand Dollars (\$50,000), which said Note is due and payable on September 16, 2006; (c) the Note authorized by this Resolution is a renewal note, and (d) the Note authorized by this Resolution shall mature within one (1) year from the date of its issue, and (e) 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 2006. 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 2004 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.

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

ADOPTED SEPTEMBER 19, 2006

WHEREAS, by resolution of this Board duly adopted on the 19th day of September, 2006, the Village duly authorized the renewal of a Bond Anticipation Note dated September 13, 2005 and the renewal of a Bond Anticipation Note dated December 5, 2005, in the consolidated principal sum of One-Hundred Thirty Thousand Dollars (\$130,000), to finance the sanitary force main project along Hudson Avenue.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. This Village of Stillwater is hereby authorized to issue serial bonds in the aggregate principal amount of One-Hundred Thousand Dollars (\$130,000.00) pursuant to the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York, and other applicable laws.
2. The specific object or purpose for which said bonds are to be issued is to provide funds to finance the sanitary force main project along Hudson Avenue in the Village of Stillwater.
3. The estimated maximum cost of such object or purpose is One-Hundred Fifty Thousand Dollars (\$150,000.00). The plan of financing includes the issuance of the above-described bonds or bond anticipation notes heretofore authorized, and the levy and collection of taxes on all the real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.
4. The period of probable usefulness is 30 years in accordance with the provisions of Section 11.00 a. 4 of the Local Finance Law.
5. The proposed maturity of the bonds authorized by Section 1 of this Resolution will exceed five years. Current funds are not required to be provided as a down payment prior to issuance of the serial bonds authorized by said Section or any bond anticipation notes issued in anticipation thereof because the Village intends to comply with the provisions of Section 107 of the Local Finance Law and/or the project is exempt pursuant to Section 107(d)(3)(l).
6. Each of the serial bonds authorized by this resolution and any notes issued in anticipation of the sale of such bonds shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property in the Village. The faith and credit of the Village are hereby irrevocably pledged for the payment of the principal of and interest on such obligations, and provision shall be made annually in the budget of the Village by appropriation for the (a) amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.
7. The powers and duties pertaining or incidental to the sale and issuance of the obligations herein authorized, including but not limited to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized and of any bond anticipation notes issued in anticipation of said bonds, or the renewals of said notes, are hereby delegated to the Mayor of the Village in accordance with the provisions of the Local Finance Law.
8. The serial bond 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 2006. The village certifies that the sum of the principal amount of this bond and the principal amount of any other tax-exempt obligations

heretofore issued by the Village during 2006 for the purposes of Section 265(b)(3)(C) of the Code does not exceed \$10 million.

9. Appropriate documents shall be executed to prevent application of the arbitrage provisions of the Internal Revenue Code to said Bond, and the Bond shall contain provisions as required to assure continued exemption of the interest on the Bond 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.
10. The validity of such serial bond and bond anticipation note 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 provision of law which should be complied with at the date of publication of this 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
 - (3) Such obligations are authorized in violation of the provisions of the Constitution.
11. The Village Clerk is hereby directed within ten days from the date of this resolution to publish a notice which shall set forth the date of the adoption of this resolution, contain an abstract of such resolution setting forth the purpose and effect thereof, and shall publish such notice in the Gazette Newspaper, and in addition thereto, the Village Clerk shall post or cause to be posted on the signboard of the Village of Stillwater, a copy of such notice within ten days after the date of the adoption of this resolution.
12. This resolution shall take effect immediately.

Resolutions moved by Trustee Riccardi, seconded by Trustee Murphy.
Motion carried 3-0

Clerk advised that she has researched the savings from being a member of the Saratoga County Chamber and the village saved approximately \$2,500 on electric last year. It is worthwhile belonging to the Chamber.

MOTION authorizing the Clerk-Treasurer to pay the annual membership fee of \$302.00 to the Saratoga County Chamber made by Trustee Murphy, seconded by Trustee Riccardi.
Motion carried 3-0

MOTION to open the floor to the public and press made by Trustee Riccardi, seconded by Trustee Murphy.
Motion carried 3-0

No one wished to speak.

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

NEW BUSINESS
Nothing

OLD BUSINESS
Traffic Law

Mayor would like to discuss the changes that should be made to the law. Discussion was held regarding changes that should be made. It was decided that Trustee Murphy and Trustee Riccardi would meet to review the law and its amendments then make recommendations to draft a new law.

MOTION to approve the Treasurer Report as presented made by Trustee Riccardi, seconded by Trustee Murphy.
Motion carried 3-0

MOTION to approve the minutes for August 15, 2006 made by Trustee Murphy, seconded by Trustee Riccardi.
Motion carried 3-0

MOTION to approve the audited claims:

A	\$15,994.44
F	\$19,091.28
G	\$ 5,245.15
H	\$ 7,276.42

made by Trustee Riccardi, seconded by Trustee Murphy.
Motion carried 3-0

MOTION to adjourn made by Trustee Murphy, seconded by Trustee Riccardi.
Motion carried 3-0

Meeting adjourned at 8:25 P.M.

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer