

**REGULAR MEETING -BOARD OF TRUSTEES- OCTOBER 15, 2013-7:00 P.M.**

**PRESENT: TRUSTEES - JOHN BASILE, TRUSTEE JUDY WOOD-SHAW, TRUSTEE ELLEN VOMACKA, TRUSTEE TIMOTHY CAMPBELL  
 ABSENT: ERNEST MARTIN, MAYOR  
 CLERK/TREASURER: SHERISTIN TEDESCO  
 SUPT. OF PUBLIC WORKS: PAUL O’KOSKY  
 ATTORNEY, JAMES PELUSO  
 FIRE CHIEF – TONY CONTI - ABSENT  
 BUILDING CODE OFFICER – LAWRENCE ALLEN  
 PUBLIC ATTENDANCE – 3**

Trustee Basile called the meeting to order at 7:00 P.M. and led the pledge to the flag. Trustee Basile explained the Mayor could not be in attendance because his wife is in the hospital.

**CORRESPONDENCE**

We received two notifications from the DOH local region. The first is a violation for TTHM & HAA5’s, disinfection byproducts, based on the 4 samples taken and averaged. We were expecting that we were going to be in violation. There will be notifications the DOH recommend we make. The second notification is for lead from samples taken June 2013. We have not had a violation of this nature in some time. I am told it is because the water is more acidic and it attacking some of the piping of the system. We also received a notification from the SCWA advising they will begin orthophosphate treatment on October 23, 2013. This helps reduce leaching of copper and lead in plumbing fixtures thus reducing the cause of the lead violation while extending the life of the system.

**FIRE DEPARTMENT REPRESENTATIVE:** Tony Conti - Absent

**SUPERINTENDENT OF DPW:** Paul O’Kosky  
 Monthly report provided to all Board members. (Report on file)

**BUILDING CODE OFFICER:** Lawrence Allen

There was one permit issued to 5 Ferry Lane for the month for repairs on their garage, then they were issued a CO. A permit was issued for a shed at Riverwood Apts. A stop work order was issued for 758 Hudson Ave because they do not have a permit for demo or remodeling. (Report on file)

**COMMITTEE REPORTS:**

Trustee Basile reported in regard to the water project we have not gotten approval on the spare parts portion from the USDA because the government shut down has affected their operations. The Mayor and Trustee Basile decided to issue the purchase order for the spare parts as this is a relatively low risk and low cost venture. The new contracts #3 & #4 for fencing and electrical has been received with recommendations from the engineer, Chazen Engineering. There were two bids for each of the contracts and they were all below what was originally estimated. In regard to the sewer project, we have had a meeting with EFC to prepare the paperwork to present to their closing committee in December for closing in February 2014. The open items are Insituform has one more pipe to line, Change Order #3 for the Reale contract and the Major Dickinson replacement pipe. The DEC has not approved all of these items as of yet, but I am told their approval is imminent. We are waiting for one more easement from the library and expect that on October 23<sup>rd</sup>. The total cost for the project is 2.9 million dollars including the new items added a few months ago.

Trustee Campbell asked what the board would like to do with the 43,000 gallon tank and 4 sand filters at the water site that might be valuable to someone. There is piping that could be capped off and secured when the DPW has spare time. It was decided that because of the lawsuit there is a hold on removing and parts at the water plant and that topic may need to be revisited.

Trustee Vomacka reported that Chazen Engineering is finishing the final papers for closing of the sidewalk project. She also stated she will address the letter from Ms. Terry Simmons that was hand delivered at the beginning of the meeting to the clerk (Copy on File). She stated she sat in with the fire dept. to help with their by-laws, some of their wording is not specific enough and when they are complete she will be presenting them to the board. The Fire Dept. also requested a light be installed above their entrance door closest to the clerk’s office. Trustee Vomacka stated she received a quote from Steve Streeter for a new door at the water plant to house the steamer of \$3200.00. Trustee Basile stated we should get three bids on the project.



Trustee Wood-Shaw reported the Senior Program had roughly 35 attendees in the month of Sept. The October meeting is on 10/24/13 and will be a "gold party" with Mark Lawson in attendance to sell your unwanted gold to, with a portion of the proceeds to go to the Stillwater Food Pantry. She attended the latest Emergency Mgmt. Committee and is happy to report we are meeting our goals.

**TREASURER REPORT** – Sheristin Tedesco

Voucher totals by account for month.

"A" General Fund	\$ 8,973.63
"F" Water Fund	\$ 99,194.47
"G" Sewer Fund	\$ 78,431.35
<b>TOTAL</b>	<b>\$186,599.45</b>

Treasurer Report for October 2013 – copies provided to all board members listing all bank accounts with all receipts and expenditures.

Updated revenue/expense control report – copies provided to all board members.

Update on Village Taxes as of 10/15/13

Total Billed	\$398,162.47
Collected to Date	\$374,825.54
Outstanding Balance	\$ 23,336.93 roughly 6%

Water bills were mailed for 10/1/13

Inside users -	\$298,805.02
Outside users -	\$6,753.70
Total -	\$305,558.72

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

Mr. Nelson stated he would like to see the work that needs to be done at the water plant to stay with a contractor from Stillwater. He also inquired as to the status of the manhole covers with the upcoming paving project. Supt. O’Kosky stated he will take a look at those.

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

**NEW BUSINESS**

Mr. Fred Tracy asked the board to reconsider the zoning of his property at 7 Tent Lane from residential to commercial overlay. He is currently trying to sell his property, without success, because of the current zoning status. It was decided that a Zoning Committee will be formed to help resolve this current issue with Trustee Campbell, Trustee Vomacka, Trustee Basile and Zoning Board of Appeals member Mr. Simmons.

**OLD BUSINESS**

**MOTION** to adopt the following DOT Resolution for Driver Feedback Signs made by Trustee Vomacka, seconded by Trustee Wood-Shaw

**A Resolution authorizing the implementation, and funding in the first instance 100% of the federal-aid and State "Marchiselli" Program-aid eligible costs, of a transportation federal-aid project, and appropriating funds therefore**

WHEREAS, a Project Driver Feedback Signs P.I.N. 175957 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such

program to be borne at the ratio of 100 % Federal funds  
WHEREAS, the Village of Stillwater desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of Construction

NOW, THEREFORE, the Village Board of Trustees duly convened does hereby RESOLVE, that the Village Board of Trustees hereby approves the above-subject project; and it is hereby further RESOLVED, that the Village Board of Trustees authorizes the Village of Stillwater to pay in the first instance 100% of the federal and non-federal share of the cost of Construction work for the Project or portions thereof; and it is further RESOLVED, that the sum of \$14,485:00 is hereby

appropriated from the :Capital Sidewalk Project, made available to cover the cost of participation in the above phase of the Project; and it is further RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Village of Stillwater shall convene as soon as possible to appropriate said excess



amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further RESOLVED, that Mayor be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Village of Stillwater with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further RESOLVED, this

Resolution shall take effect immediately

Ayes: Trustees Vomacka, Wood-Shaw, Campbell & Basile

Nays:

Abstain:

Motion carried 4-0

**MOTION** to hold a public hearing on November 19, 2013 at 7:00 pm on Local Law #2 of 2013 – Sidewalk Maintenance made by Trustee Wood-Shaw, seconded by Trustee Vomacka.  
Motion carried 4-0

**MOTION** to adopt the following SEQRA Resolution #13 made by Trustee Vomacka, seconded by Trustee Wood-Shaw

**RESOLUTION NO. 13-  
VILLAGE OF STILLWATER  
STATE ENVIRONMENTAL QUALITY REVIEW ACT  
WASTEWATER SYSTEM IMPROVEMENT PROJECT**

**WHEREAS**, the Village of Stillwater passed Resolution No. 11-2 on May 18, 2010 declaring improvements to the Village's wastewater system, including upgrades to the Village Wastewater Treatment Plant and the sewage collection system for several years (hereinafter the "Project") to be a Type II Action under SEQRA; and,

**WHEREAS**, the Village has executed a Consent Decree with the Attorney General of the State of New York for improvements to the wastewater collection and sewer treatment system; and,

**WHEREAS**, the project approved by the Village and declared a Type II action under SEQRA includes a change order for replacement of the force main from Pump Station #1 to the WWTP and replacement of a gravity sewer main from South Colonial to Major Dickinson; and

**WHEREAS**, review of 6 NYCRR Part 617.5(c)(2) provides that "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site..." and 6 NYCRR Part 617.5(c)(5) provides that "street opening and right-of-way openings for the purpose of repair or maintenance of existing utility facilities" are not subject to review under SEQRA; and,

**WHEREAS**, review of 6 NYCRR Part 617.5(c)(29) provides that actions are not subject to review under SEQRA that involve "civil or criminal enforcement proceedings, whether administrative or judicial, including a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion" and an enforcement instrument has been drafted and the terms of which are not in dispute and execution by the parties is anticipated;

**NOW, THEREFORE, BE IT RESOLVED** that the wastewater system improvement project with the aforementioned the change order remains a Type II Action under SEQRA and is not subject to review under 6 NYCRR Part 617 per 6 NYCRR Part 617.5(c)(2) and (5).

The resolution was offered by Trustee Vomacka, who moved its adoption, seconded by Trustee Wood-Shaw, to-wit:

Ayes: Trustees Vomacka, Wood-Shaw, Campbell & Basile

Nays:

Abstain:

Motion carried 4-0

Trustee Campbell explained we have sent out five requests for proposals from area dealers for a new truck for the DPW. We have received one proposal back so far. It will need to be decided how much money to use from where for the new truck.



Trustee Wood-Shaw stated she was asked by Art Baker for permission to decorate the tree by Campbell Ave. in Christmas lights for the holidays. It was agreed that as long as it is village property it will be alright.

**MOTION** to adopt the resolution to accept the contracts #3 & #4 for the water project, as advised by Chazen Engineering, made by Trustee Vomacka, seconded by Trustee Campbell

#### VILLAGE OF STILLWATER

##### A Resolution to Award and Execute Construction Contracts Regarding the Fencing and SCADA System Improvement

WHEREAS the Village of Stillwater (Village) has undertaken a Fencing and SCADA System Improvements Project (Project) for the general improvement of the municipality's potable water system and in furtherance of compliance with applicable Federal, State, and Local health requirements; and

WHEREAS the Village in consultation with its engineer, The Chazen Companies (Chazen), has undertaken a process of competitive bidding seeking qualified contractors to fulfill and complete the requirements of supplying materials and construction associated with the satisfactory completion of the requirements of the Project in conformity with design specifications; and

WHEREAS bid specifications were duly published and qualified bidders were solicited in conformity with the requirements of law and procedure and competitive bids were received, opened, and considered by the Village upon the advice and direction of Chazen, in accordance with the requirements by the United States Department of Agriculture Rural Development (USDA RD) and under advice of the Village Attorney; and

WHEREAS, Bruce Fence Co., Inc. has been identified as the lowest responsible bidder for the Fencing and SCADA System Improvement Project – Contract No. 3 – General/Fence Construction; and

WHEREAS, Harold R. Clune, Inc. has been identified as the lowest responsible bidder for the Fencing and SCADA System Improvement Project – Contract No. 4 – Electrical/SCADA Construction; and,

WHEREAS, Chazen, on behalf of the Village, will submit the necessary bid documents to the USDA RD for review and concurrence upon the return of the USDA RD from furlough, considering that the return may follow the award of contracts.

##### **NOW, THEREFORE, be it**

**RESOLVED**, that that the Village shall award the Project as follows:

- a. Contract No. 3 – General/Fence Construction to Bruce Fence Co., Inc.
- b. Contract No. 4 – Electrical/SCADA Construction to Harold R. Clune, Inc.

FURTHER that by these presents the executive office of the Village (Mayor) and his qualified agent shall be authorized to execute and deliver Notice of Awards to each selected bidder and the Mayor and his qualified agents are authorized to execute project related documents as may be required such as the Agreement between the Owner and Contractor, Notice to Proceed, Change Orders, and other documents.

Motion carried 4-0

**MOTION** to approve the audit claims for the month made by Trustee Campbell, seconded by Trustee Wood-Shaw.  
Motion carried 4-0

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

**MOTION** to approve the minutes from Regular Meeting dated 9/17/13 made by Trustee Wood-Shaw, seconded by Trustee Campbell.  
Motion carried 4-0

**MOTION** to adjourn made by Trustee Basile, seconded by Trustee Wood-Shaw.  
Motion carried 4-0

Meeting adjourned 8:30 pm

Respectfully submitted,



Sheristin Tedesco  
Clerk/Treasurer