

**REGULAR MEETING -BOARD OF TRUSTEES-OCTOBER 19, 2010-7:00 P.M.**

**PRESENT: ERNEST W. MARTIN, MAYOR; TRUSTEES - JOHN BASILE, KEN BAKER, KEITH COLLINS, ELLEN VOMACKA**

**ALSO PRESENT: ATTORNEY, JAMES PELUSO; SUPT. OF PUBLIC WORKS, JOHN SCOTT; FIRE CHIEF TONY CONTI**

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

Joseph Moloughney from the NYS Canal Corporation gave a presentation on navigational dredging and requested a municipal resolution in support of the project. It is cost prohibitive for NYS to attempt the dredging and since EPA is exempt from permit regulations, it makes sense to join forces. The Mayor will copy and distribute the proposed resolution to the Board and will take a vote after everyone has had a chance to review.

Joe White reviewed the resolution passed by the ZBA at their September 16<sup>th</sup> meeting and explained what they were hoping to accomplish with their order and affirmations. Mr. Peluso requested a separate meeting be scheduled so the Village Board could explain their rationale. Meeting to be held on Monday, October 25, 2010 at 7pm.

**CORRESPONDENCE - None**

**BUILDING CODE OFFICER** – Lynn Goman reviewed his written report (copy on file) Andrew Peterson of Riverside Drive has requested permission to build a house on the Russell Drive side of his lot. Lengthy discussion took place on whether the 100 x 100 lot had ever been subdivided with Mr. Peterson insisting it had and the Village advising the Town Assessor and Saratoga County both say it had not. It was recommended Mr. Peterson file a request for a variance with the ZBA and if it was granted, he could proceed with the time and expense to subdivide.

**FIRE CHIEF** – Tony Conti – reviewed his written report (copy on file) The proposed by-laws have been reviewed and a list of twelve recommendations was given to the Chief.

Mr. Richard Mone from Clinton Court explained although he has a new meter, his water bill was very high. The DPW tested the meter and found it to be accurate but offered the option of sending the meter out to be tested by a 3<sup>rd</sup> party which Mr. Mone declined until he could discuss with his wife.

**SUPT. OF PUBLIC WORKS** – John Scott

Supt. Scott reviewed his written report (copy on file) and discussed his proposed paving projects. Hayes sent a contract to the Mayor, the cost to re-do the parking lot is \$14,225 with the DPW taking care of removing the existing blacktop. Wilson Moore from NYS had given the impression CHIPS money could be used but that was not accurate. CHIPS funding can be used to refurbish General Schuyler Lane and that proposal from Kubricky Construction includes widening the street and directing storm water.

**MOTION** to accept the proposal from Hayes Paving in the amount of \$14,225.00 made by Trustee Basile, seconded by Trustee Baker Discussion: Supt. Scott advised Cass and Sons there were problems with their prior work and their bid was therefore disqualified. The Fire Department was instructed to move their trucks to the DPQ garage during the work phase. Trustee Vomacka stated she believed the project could have been done for much less using the Town of Stillwater as a resource.

**Roll Call Vote:**

- Trustee Basile – yes
- Trustee Baker – yes
- Trustee Collins – abstain
- Trustee Vomacka – yes

Motion carried 3-0

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**MOTION** to approve the proposal submitted by Kubricky Construction for paving of General Schuyler Lane for an amount not to exceed \$21,300.00 made by Trustee Basile, seconded by Trustee Collins  
Motion carried 4-0

**COMMITTEE REPORTS**

Trustee John Basile – A meeting was held with EFC regarding the 0% loan for our consent order projects. The storm water piece of the Safe Routes to Schools project was not accepted for financing. Funding Castle Cliff repairs will require an inter-municipal agreement with the Town of Stillwater that must remain in effect for the term of the loan; no construction will be covered without a contract. Preliminary discussions to resolve with the Town have taken place.

A second meeting was held with the NYS DOH regarding the 0% DWSRF loan to cover construction costs of the SCWA project prior to converting to USDA funding. A contract with SCWA is required before proceeding.

Trustee Ellen Vomacka – reviewed the presentations at the Economic Summit held at the Mechanicville Elks on September 30, attended the Domestic Abuse Program given by the Stillwater Police Dept who have gathered over 3500 cell phones to date for donation to victims of domestic abuse.

Trustee Vomacka and Eric Johnson from The Chazen Companies attended the October 5 Stillwater School Board meeting to update them on the progress of the sidewalk project. Preliminary design plans from the DOT have been received and it appears Mike Stella will be the new coordinator replacing Raj Malhatra who has retired. The DOT is considering taking over the ownership of the School's storm drain outlet and requested drainage calculations, which have been sent. Previously, the DOT was not going to allow a hook up to the School's system which would have cost the taxpayers an additional \$75-\$100K. No easements are needed for the storm drain piece of the project, some are expected for the sidewalks but NYS DOT will handle them.

Trustee Keith Collins – will discuss SCWA easement and contract progress during Executive Session

Trustee Ken Baker – no report

**ATTORNEY** - James Peluso

**AMENDED BOND ANTICIPATION NOTE RENEWAL RESOLUTION  
DATED OCTOBER 19, 2010**

**A Resolution Amending the Village's September 8, 2010 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 \$25,000 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), hereby amends its September 8, 2010 Resolution authorizing the renewal of bond anticipation notes for the purchase of a 2009 Dodge one-ton dump truck as follows:

"Section 2" is hereby amended to read as follows:

**Section 2.** The Village Board hereby duly authorizes the renewal of said Bond Anticipation Note in the principal sum of Twenty Five Thousand Dollars (\$25,000). The Bond Anticipation Note, as renewed, shall be due and payable on September 14, 2011 in said  
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principal amount, together with accrued interest at a rate of 2.65% per annum. Said note shall be executed in the name of this Village by its Treasurer, as Chief Fiscal Officer, whose corporate seal shall be affixed and attested thereto.

“Section 8” is hereby amended to read as follows:

**Section 8.** The Village Treasurer 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.

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.

#### **CLERK-TREASURER – Patti Ryan**

The annual Christmas tree lighting has been scheduled for December 5. Our contract with Cornerstone has expired and the Board gave permission for the Clerk to seek quotes from other companies such as Time Warner and Verizon. The semi annual water/sewer billing has been completed; a summary and comparison was given to the Board (copy on file)

**MOTION** to open the floor to the public and the press made by Trustee Basile, seconded by Trustee Collins Discussion: Trustee Basile and Mayor Martin advised the Board will not tolerate any profanity or aggression from the public and will, in fact, leave the meeting if it occurs.

Motion carried 4-0

No one from the public wished to speak

**MOTION** to close the floor to the public and the press made by Trustee Basile, seconded by Trustee Baker

Motion carried 4-0

#### **NEW BUSINESS**

Trustee Vomacka has been working with Bonnie Minick who is taking over the design of the Village website. The previous designer, Jim Smith, will need to be reimbursed for payments to secure our domain names.

Mayor Martin had several conversations with CBA and the residents of South Hudson regarding the dispute over the school bus parking. An agreement between all parties has been reached.

Discussion was held on the disputed water bill for Customer #400059. Supt. Scott advised the meter was pulled and tested and found to be running 2% fast. The Supt. went on to say the water pressure in the home would be much higher than at the water plant where the test took place. The Board considered several options to adjust the bill and ultimately decided to use an average of prior usage.

**MOTION** authorizing the Clerk to issue an amended bill for 138,000 gallons of usage to Customer #400059 and advise the customer to monitor the new meter made by 10192010regmtg

Trustee Collins, seconded by Trustee Basile Discussion: Upon the request of the Clerk, the due date will not be extended.  
Motion carried 4-0

The Board reviewed the conversion of the retail space at 751 Hudson Ave. The owner submitted a Special Use Permit application with the required fee and proceeded with the project without permission because he assumed the fact that his check was cashed indicated the Board had approved. Mr. Peluso instructed the BCO to send a letter of violation and requested copies of all paperwork submitted.

**MOTION** to authorize the purchase of a LMI Metering Pump from Ramsco at a price not to exceed \$1200 made by Trustee Collins, seconded by Trustee Vomacka Discussion: Supt. explained the pump is needed for soda ash  
Motion carried 4-0

### **OLD BUSINESS**

Building Code Officer Lynn Goman asked if the Board wished to take action on his proposed updated fee schedule. The Board wants to review and Trustee Basile asked for a new layout to the existing form which he finds too confusing

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

**MOTION** to approve the audited claims:

- A- \$7,556.62
- F - \$47,365.01
- G - \$87,668.04
- H - \$34,052.27

made by Trustee Basile, seconded by Trustee Vomacka  
Motion carried 4-0

**MOTION** to adjourn to executive session at 9:10pm to discuss matters related to easement acquisition and contract negotiations made by Trustee Basile, seconded by Trustee Baker  
Motion carried 4-0

Return to regular session at 10:05pm

**MOTION** to authorize the expenditure of funds related to execution of easements not to exceed twelve additional grantors made by Trustee Basile, seconded by Trustee Collins  
Motion carried 4-0

**MOTION** authorizing the purchase of two chlorine tanks from JEM Enterprises for an amount not to exceed \$2500.00 made by Trustee Vomacka, seconded by Trustee Basile  
Motion carried 4-0

**MOTION** to adjourn made by Trustee Baker, seconded by Trustee Vomacka  
Motion carried 4-0

Meeting adjourned 10:20pm

Respectfully submitted,

Patricia A. Ryan  
Clerk-Treasurer  
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