

REGULAR MEETING-BOARD OF TRUSTEES-NOVEMBER 18, 2003-7:00 PM

**PRESENT: ERNEST W MARTIN, MAYOR; TRUSTEES – MICHAEL HANEHAN, MARTIN RICCARDI
ABSENT: TRUSTEES – JOHN MURPHY, RAYMOND WALKER**

ALSO PRESENT: ATTORNEY, WILLIAM F REYNOLDS; BUILDING CODE OFFICER, KENNETH PATENAUDE; FIRE CHIEF, JEFF MAHAR; SUPT OF PUBLIC WORKS, RANDY RATHBUN; VILLAGE JUSTICE, ANTHONY CAVOTTA

Mayor Martin called the meeting to order he had the Boy Scouts lead the Pledge to the Flag.

Justice Cavotta spoke to the Board regarding the need to elevate the dais for court night. He would like some type of raised platform so those defendants could not see the paperwork the Judge has in front of him. Justice Cavotta will contact Building Chairman, Trustee Riccardi.

Historian, Linda Sanders and Carol Morby, representing the Girl Scouts gave a brief presentation regarding the project the Scouts would be doing to receive their Silver Award. To receive this award you must do something with the community. They will be working with the Historian's Office taking photographs of older homes and researching their past. They will prepare a presentation on this project to be completed by Archives Week in October 2004.

MOTION supporting the Girl Scout's Project made by Trustee Hanehan, seconded by Trustees Riccardi.
Motion carried 3-0

Ms. Sanders advised they recently received a considerable amount of artifacts from two former residents of Stillwater. These artifacts were found in the Town & Village of Stillwater. She displayed a couple of coins from the 1700's. She gave the Board a story explaining how the Village streets were named.

Ms. Sanders explained the Blockhouse Committee has prepared books to sell explaining life during the 18th and 19th centuries. She would like permission to have the Clerk's Office offer this first volume for sale.

The Boy Scout Leader explained they are working on their communication merit badge, they will be attending meetings and taking notes in preparation for this badge.

CORRESPONDENCE

The Clerk read a letter from Computel Consultants Inc.

RESOLUTION

WHEREAS, the New York State Public Service Commission instituted formal proceeding to consider the past billings and other issues, claims or disputes in connection with the rendition of street lighting services by New York State Electric & Gas Corporation ("NYSEG"); and

WHEREAS, the Village of Stillwater intervened in such proceedings; and

WHEREAS, the Village of Stillwater engaged Computel Consultants ("Computel") to represent the Village of Stillwater in such proceeding and negotiate on its behalf in regard to all issues, claims or disputes pertaining to

street lighting services rendered by NYSEG to the Village of Stillwater, including, but not limited to, its past NYSEG streetlighting bills; and

WHEREAS, negotiations between NYSEG and Computel have resulted in a settlement and release agreement between NYSEG and the Village of Stillwater; and

WHEREAS, Computel has recommended the acceptance of such settlement and release agreement.

NOW THEREFORE BE IT RESOLVED, that Ernest W. Martin, Mayor is authorized and directed to execute a settlement and release agreement with and to deliver the same to NYSEG. The Settlement and release agreement is an accord and satisfaction for all issues, claims or disputes pertaining to street lighting services rendered by NYSEG to the Village of Stillwater for the period set forth in the settlement and release agreement.

Resolution moved by Trustee Hanehan, seconded by Trustee Riccardi.
Motion carried 3-0

BUILDING CODE OFFICER – Kenneth Patenaude

Certificate of Occupancy for apartment conversion, Hudson Avenue; footing inspection for a porch, 8 Clinton Court; permit issued for a front entrance renovation; certificate of occupancy issued Lot 38 Yorktown Lane Colonial Estates; inspection addition, Major Dickinson Avenue.

Correspondence: Kotecki, vacant property Russell Drive, explained situation also requesting permits to be voided for building and water and sewer connections. The Board discussed this situation. Mr. Patenaude told her something needed to be done by November 28th. Mayor requested Village Attorney contact person regarding violations

FIRE CHIEF – Jeff Mahar

Requested the Board approve a new member, Ryan Smith, from Hillside

Board would prefer to wait for full Board and have Trustee Walker review the motor vehicle report.

Requested permission to serve refreshments for the Annual Christmas Party to be held December 6th.

No motion

SUPT. OF PUBLIC WORKS – Randy Rathbun

Water - Generator duct work completed. Working with American Controls to finalize the alarm work for water plant. Working with Tom Brewer regarding installation of elevation valve should wait until spring.

Sewer – annual inspection at sewer plant, all went well. Sand filter problems are corrected. Lake Street sewer problem under control.

Colonial Road – paving completed, need to install additional drainage basin near Hurd property. Will wait for 1 freeze/thaw cycle before installing topcoat. Shoulder work to be completed, will finish bank work as we can.

Storm drain collapsed on Park Avenue, it has been repaired.

Supt. Rathbun suggested that the DPW work on elevating the dais for the Justice Court, they could build something that would be moveable. He also suggested that the Dept. returns to a maintenance department and get out of the construction business.

COMMITTEE REPORTS

Trustee Michael Hanehan – A considerable amount of work has been done on the DPW equipment, one truck is finished the second is nearly complete.

Barbolt Court, working on electric service, pump station is on order, should be here in December.

Trustee Martin Riccardi – the low bid for street lights is from Point Source Group at \$28,655.60, will meet with Matt Hess to finalize this purchase. Could be shipped in January to be installed in the spring of 2004.

Supt. Rathbun explained the bids for the Lake Street are as follows:

Casale Excavating, Inc.	\$ 68,055.015
James H. Maloy, Inc.	\$ 84,454.00
White Oak Const. Co.	\$ 88,355.00
Wm. J. Keller & Sons	\$ 92,963.50
Bombard Excavating	\$133,984.75

A pre-construction meeting has been scheduled with the contractor; work should begin next week. Will need to close Lake Street during the day, will have DPW distribute information on road closure to residents. Project should only take two to three weeks.

ATTORNEY – William F. Reynolds

Bondi easement, discussion was held regarding this easement.

Attorney advised he sent a letter regarding 42 Hudson Avenue the owner would be contacting the village.

MOTION to open the floor to the public and press made by Trustee Riccardi, seconded by Trustee Hanehan.

Motion carried 3-0

Everett Hurd, Colonial Road, questioned the right-of-way on Colonial Road; he expressed concern regarding the hole at the end of his driveway. Mrs. Hurd spoke regarding the need for speed limit signs and some type of enforcement.

Mayor Martin assured that the sign will be re-installed and he will speak to the Chief of Police, Sheriff and NYS Police for extra patrols.

MOTION to close the floor to the public and press made by Trustee Hanehan, seconded by Trustee Riccardi.

Motion carried 3-0

NEW BUSINESS

MOTION to award the Lake Street Project to the low bidder Casale Excavating Inc. for a cost of \$68,055.015 made by Trustee Hanehan, seconded by Trustee Riccardi.

Motion carried 3-0

**BOND ANTICIPATION RENEWAL NOTE RESOLUTION,
DATED THE 18th DAY OF NOVEMBER, 2003, AUTHORIZING
THE RENEWAL OF A BOND ANTICIPATION NOTE
ISSUED ON THE 19th DAY OF NOVEMBER 2002,
IN THE AMOUNT OF \$26,500 IN ANTICIPATION
OF THE SALE OF SERIAL BONDS AUTHORIZED TO
FINANCE THE PURCHASE OF A GENERATOR**

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

WHEREAS, this Board has on November 19, 2002, adopted a resolution authorizing the issuance and sale of bonds in the amount of Twenty-six thousand five hundred dollars (\$26,500) for the purpose of financing the purchase of a generator, said bonds having not as yet been sold, and

WHEREAS, said Board did on November 19, 2002 further adopt a Resolution authorizing the issuance of a Bond Anticipation Note in the amount of Twenty-six thousand five hundred dollars (\$26,500);

AND WHEREAS, pursuant to said Resolutions a Bond Anticipation Note was issued on November 20, 2002 to Ballston Spa National Bank, which said Bond Anticipation Note is due and payable on November 20, 2003.

NOW THEREFORE, BE IT RESOLVED, by the Village Board as follows:

1. The Village Board of the Village of Stillwater duly authorized the renewal of said Bond Anticipation Note in the principal sum of Eighteen thousand five hundred dollars (\$18,500), said Bond Anticipation Note as renewed, shall be due and payable on November 20, 2004 in said principal amount, together with accrued interest at a rate of 1.74% 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 purchase of a generator.
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 November 20, 2002 in the amount of twenty-six thousand five hundred dollars (\$26,500), which said Note is due and payable on November 20, 2003, and (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 Note, except that the interest rate in the Bond anticipation Note shall be 1074% 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 1999. 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 2003 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 approve the Bond Anticipation Note Resolution made by Trustee Riccardi, seconded by Trustee Hanehan.

Motion carried: 3-0

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

MOTION to approve the minutes of October 21, 2003 made by Trustee Riccardi, seconded by Trustee Hanehan.
Motion carried 3-0

MOTION to approve the audited Claims: A \$52,912.27
 F \$16,285.13
 G \$ 4,746.17
 H \$ 558.85

Made by Trustee Hanehan, seconded by Trustee Riccardi.
Motion carried 3-0

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

Meeting adjourned at 7:50 P.M.

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer