

REGULAR MEETING -BOARD OF TRUSTEES-DECEMBER 15, 2009-7:00 P.M.

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

ALSO PRESENT: ATTORNEY, JAMES PELUSO; BUILDING CODE OFFICER LYNN GOMAN; FIRE CHIEF SHANE MAHAR; ZBA CHAIRMAN WAYNE SIMMONS; ERIC JOHNSON, THE CHAZEN COMPANIES

ABSENT: 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.

CORRESPONDENCE

None

ZBA CHAIRMAN – Wayne Simmons

The Board is invited to attend the next ZBA meeting on 1/7/2010 at 7pm to discuss zoning issues with the Town Assessor who has also been invited.

SCOTT RONDA – Special Use Permit

Mr. Ronda is applying to build one last townhouse at 297 Hudson Avenue; it will be exactly the same building, driveway layout, front lights, and sidewalk that he constructed at 299 Hudson Ave with the only difference being a change in the siding color and the stone on the building. The lot at 297 is 90' wide making it 15' wider than the last two lots. Trustee Vomacka asked if this was a townhouse and Mr. Ronda replied it would be duplexes; he calls them townhouses but it's a duplex and is a permitted use with a special use permit, Trustee Basile asked if the lot was divided now, Mr. Ronda stated it was not so he was proposing to do the exact same thing he did with each of the individual lots at 299 A & B and 299 C & D. Trustee Vomacka clarified the lots were subdivided after the fact and Mr. Ronda agreed explaining when he originally designed the first units, he anticipated renting them but the inquiries were to purchase. The area is zoned business residential but duplexes are a permitted use with a special use permit. Mr. Peluso stated since we don't have a formal application for a subdivision, we can accept the oral request and schedule a public hearing. Trustee Basile commented it was an application for a two family but what were really proposed were two separate properties which Mr. Ronda confirmed. Trustee Vomacka reviewed the minutes from the previous project and pointed out the Board approved changing from rental to owner occupied but the word "subdivision" was never used. Mr. Ronda said the map was signed by the Board; it was filed with the County. Mayor Martin referred to the application where it states the owner is the applicant and Mr. Ronda clarified his parents had deeded it over to him. The Village hasn't received notice of the change and Mr. Ronda stated it usually takes 6-8 weeks to record a deed and send out the appropriate information but the deed is dated December 1.

MOTION to accept the application as presented by Mr. Ronda as complete and the Board appoint itself the lead agency for SEQR review made by Trustee Basile, seconded by Trustee Collins

Motion carried 4-0

MOTION to classify this project as a Type 2 action under SEQR review made by Trustee Basile, seconded by Trustee Vomacka

Motion carried 4-0

The public hearing will take place January 5, 2010 at 7:00pm.

BUILDING CODE OFFICER – Lynn Goman

Mr. Goman reviewed his written report (copy on file) and advised he's finalizing action regarding the code violation at 111 S. Hudson Ave.

FIRE CHIEF – Shane Mahar

Chief Mahar reviewed his written report (copy on file) and updated the status of the new truck. The 1975 Maxim was sold and has been removed from our insurance. The Clerk requested all Fire Department equipment be registered with DMV to simplify transfer at the time of sale.

SUPT. OF PUBLIC WORKS – Robert Gerasia - absent

Supt. Gerasia's written report was distributed to the Board (copy on file)

COMMITTEE REPORTS

Trustee John Basile – NYS DEC representative Rob Streeter inspected the WTP today, a written report is expected.

Trustee Keith Collins – no report

Trustee Ellen Vomacka –Initial repairs to the building are complete, remaining work will take place after January 1, weather permitting. Work on the website continues, meeting with the ZBA went well with Colleen Adamec being very helpful and answering several questions about subdivisions.

Trustee Vomacka introduced Eric Johnson from the Chazen Companies who reviewed the sidewalk/storm water project. TCC's proposal supplements what DOT's effort is and the combination of the two would make a biddable set of documents. A preliminary set of plans was requested in November but has not been received. Mr. Johnson has concerns about aerial mapping as there won't be much accuracy regarding property lines. Trustee Basile expressed concern that we need resolution with the AG's office before we spend money on this project and asked how much flexibility there was in the schedule. Mr. Johnson said field studies, permitting, and design could be done in 2010 with construction taking place in 2011. Topographical mapping is aerial photography and should be done when there aren't a lot of leaves or snow so the cameras can get a good picture. Mr. Johnson suggested the Board consider authorizing the photos and Task 1 to keep the project moving and the Mayor agreed to get back to him tomorrow. Mr. Johnson advised Task 6, the SHPO evaluation, could be time consuming and answered questions about exclusions from the proposal.

Trustee Ken Baker – no report

ATTORNEY - James Peluso – no report

CLERK-TREASURER – Patti Ryan

The Clerk requested executive session for a personnel issue and reminded the Board she needed their registrations for the January 25 Planning and Zoning Conference no later than January 4, 2010.

BOND ANTICIPATION RENEWAL NOTE RESOLUTION

AUTHORIZING THE RENEWAL OF A BOND ANTICIPATION NOTE IN ANTICIPATION OF THE SALE OF SERIAL BONDS AUTHORIZED TO FINANCE THE PURCHASE OF A NEW DUMP TRUCK CHASSIS & BODY

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

ADOPTED DECEMBER 15, 2009

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

WHEREAS, this Board has on December 20, 2005, adopted a resolution authorizing the issuance and sale of bonds in the amount of One-Hundred Thirty Thousand Dollars (\$130,000) for the purpose of financing the purchase of a new Dump Truck Chassis & Body, said bonds having not as yet been sold, and

WHEREAS, pursuant to a Resolution dated December 20, 2006, said Bond Anticipation Notes were renewed in the consolidated sum of \$115,000 due and payable on December 21, 2007, and

WHEREAS, pursuant to a Resolution dated December 21, 2007, said Bond Anticipation Notes were renewed in the sum of \$100,000.00 due and payable on December 21, 2008;

WHEREAS, pursuant to a Resolution dated December 18, 2008, said Bond Anticipation Notes were renewed in the sum of \$85,000.00 due and payable on December 21, 2009;

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 December 18, 2008 Bond Anticipation Note in the principal sum of Seventy Thousand Dollars (\$70,000.00). Said Bond Anticipation Note as renewed, shall be due and payable on December 21, 2010 in said principal amount, together with accrued interest at a rate of 2.75% 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 purchase of a new Dump Truck Chassis & Body.
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 December 18, 2008 in the amount of Eighty-Five Thousand Dollars (\$85,000), which said Note is due and payable on December 21, 2009; (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 2.75% 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 2008. 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 2009 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.

Moved by Trustee Basile, seconded by Trustee Baker Discussion: Mr. Peluso advised this is the last short term borrowing on this and if we don't pay off next year, it will go to long term financing.

Resolution passed 4-0

The Clerk advised this BAN as well as the Force Main Split will need to go long term at approximately this time next year. Mr. Peluso does our short term borrowing paperwork but long term issues will need to be discussed during budget talks and bond counsel should be consulted.

Outside water customer 630036 has ignored attempts to contact her regarding her unpaid bills. Discussion held on hand delivering a final notice and the Clerk was instructed to send another letter via certified mail, without return receipt.

MOTION to open the floor to the public and press made by Trustee Basile, seconded by Trustee Baker
Motion carried 4-0

Jim Champlin expressed continued confusion on the definition of duplex and two family home. Trustee Basile read the definition currently in our Zoning Law. Mr. Champlin stated single family homes are not permitted in the business district yet the special use permit application was accepted and asked are they duplexes, townhouses, or two family? He also asked the Board to consider the impact to surrounding property owners and received confirmation from Trustee Basile that there is no longer a land development committee and that tonight is the first time Mr. Ronda has appeared before the Planning Board.

Wayne Simmons spoke about Mr. Ronda's plan to convert to single family homes stating the property line separates the two parcels leaving no set backs between buildings. Mr. Simmons pointed out a lengthy checklist is included with the Special Use Permit Application but the requested information was not submitted; specifically a topographical map to address water runoff issues.

MOTION to close the floor to the public and press made by Trustee Basile, seconded by Trustee Vomacka
Motion carried 4-0

NEW BUSINESS

RESOLUTION Authorizing the Mayor to Execute Documents for the USDA Rural Development Loan and Grant Relative to the Water Transmission Main for Connection to the SCWA Water System

WHEREAS, the Village of Stillwater is proposing construction of an approximate 8.8-mile water transmission main to connect the Village's water system to the Saratoga County Water Authority (SCWA) water system; and

WHEREAS, the Village of Stillwater has been invited by the USDA Rural Development to submit a full application for project funding for grants and loans; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Mayor of the Village of Stillwater is authorized to execute documents for the USDA Rural Development Loan and Grant

Resolution moved by Trustee Basile, seconded by Trustee Collins
Motion carried 4-0

OLD BUSINESS

None

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

MOTION to approve the minutes of November 17, 2009 made by Trustee Basile, seconded by Trustee Vomacka
Motion carried 4-0

MOTION to approve the audited claims:

42152009regmtg

A - \$30,058.66
F - \$ 8,760.94
G - \$ 8,703.46
H - \$30,157.88

made by Trustee Baker, seconded by Trustee Basile

Motion carried 4-0

MOTION to adjourn to executive session at 8:00pm to discuss matters related personnel, the status on DEC/Attorney General Consent Order, proposed contract with SWCA, and easements made by Trustee Basile, seconded by Trustee Baker
Motion carried 4-0

Meeting adjourned 10:00pm

Respectfully submitted,

Patricia A. Ryan
Clerk-Treasurer