

REGULAR MEETING-BOARD OF TRUSTEES-NOVEMBER 19, 2002-7:00 P.M.

PRESENT: ERNEST W MARTIN, MAYOR; TRUSTEES – JOHN MURPHY, THOMAS KINISKY, JOHN TREACY, RAYMOND WALKER

ALSO PRESENT: FIRE CHIEF, JEFF MAHAR; SUPT OF PUBLIC WORKS, RUSSELL L LAQUIDARA; SUPERVISOR TOWN OF STILLWATER, PAUL F LILAC; COUNCILWOMAN JOANN WINCHELL

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

Mayor Martin introduced a special guest Mr. Paul Lilac, Supervisor, Town of Stillwater he explained he invited Supervisor Lilac to give a brief description of the status of the PCB Dredging Committee he chairs at the County of Saratoga.

Supervisor Lilac began by reading a prepared statement (copy attached) He offered to answer any questions from the Board after distributing his prepared statement and a copy of the proposed "Host Package for Saratoga County".

Mayor Martin questioned if the Village of Stillwater would be included in this Host Package. The information he is reading is conflicting. Supervisor Lilac advised the newspaper information was incorrect. The Town request would be for a new water district north of the Village, the request is for pipeline only. The Village will be included. Supervisor feels it would be more beneficial if the Village was included in the County Host Package rather than separately.

Supervisor Lilac stated there is no guarantee that the Host Package would be funded. Trustee Murphy questioned how this idea came about. The Supervisor explained that the Supervisors from Town's that use river water for drinking requested this proposal.

Mayor asked questions regarding when our area would be tested. Supervisor advised this area is currently scheduled for late 2003.

Trustee Murphy asked if the Supervisor would entertain any other questions. Supervisor stated he is not prepared to answer other questions, he would try.

Trustee Murphy questioned what the Supervisor meant by "potable water" in the letter he signed regarding the recent water billing for estimated usage for the Town. Supervisor Lilac would prefer to speak to his Attorney before answering this question. There was a brief discussion with regard to the chlorine injection system. Mayor advised that he has had some chlorine residuals taken in the Castle Cliff/Kellogg Road area and they are not testing at .2 or better.

Mayor Martin requested the Supervisor keep the Village advised as to the status of the dredging and the Host Package.

Councilwoman Winchell asked if the Mayor was aware of the Website available with information relevant to the dredging. Mayor did sign up for email from Mr. Kaul and is receiving information. Would like Supervisor to keep him informed also.

CORRESPONDENCE

Mayor Martin read letter received from Supervisor Lilac along with payment for usage during previous quarter advising they would not pay for non-usage due to water not being potable. (Copy on file)

Trustee Murphy spoke to Bruce Ringrose following the recent meeting at the water plant; he is very surprised that Town Engineers have not contacted him to try to resolve the existing problems.

Trustee Murphy would like to have the Village Attorney begin the process of recovering the lost revenue and resolve the issue once and for all. We need to resolve this issue so that we know if we need to raise water rents for April. We need to be prepared to move quickly.

Clerk read a letter from Computel with regard to NYSEG's street light billing. They would like to represent the Village's interest if any refunds are due, the fee would be 50% of any money recovered.

Library has requested a refund of money they paid for signs at the Library. Trustee Kinisky explained that he had agreed to have a tree removed at the Library at the

Village's expense, the tree was removed by Salvadore Tree Removal at no cost. Trustee Kinisky would like to pay for the signs.

MOTION to pay Stillwater Free Library \$175.00 for signs they had made was made by Trustee Kinisky seconded by Trustee Murphy.
Motion carried 4-0

BUILDING CODE OFFICER – Martin Riccardi (read by Clerk)

Plan review and issued three permits for new homes, Colonial Estates; plan review and issued a permit for an addition to a business, Fred's Tents; footing and foundation inspection of a new home, Colonial Estates, lot 27; footing and foundation inspection of an addition, Fred's Tents; framing inspection of a new home, Colonial Estates, lot 27; footing and foundation inspection of a new home, Colonial Estates, lot 49; heating and plumbing inspection of a new home, Colonial Estates, lot 27; framing inspection of a new home, Colonial Estates, lot 49; plan review and issued a permit for three season room and deck, TenBroeck; final inspection and issued a certificate of occupancy for a new home, Colonial Estates, lot 27.

FIRE CHIEF – Jeff Mahar

Chief Mahar requested that the two new members that were introduced at last months meeting be approved by the Board.

MOTION to approve Jacqueline Mastrocola for membership in the Newland-Wood Fire Department was made by Trustee Murphy, seconded by Trustee Walker.
Motion carried 4-0

MOTION to approve Amy VanArnum for membership in the Newland-Wood Fire Department was made by Trustee Murphy, seconded by Trustee Walker.
Motion carried 4-0

Chief Mahar requested permission to hold the annual Christmas Party and serve refreshments on December 14th.

MOTION to authorize the Annual Christmas Party December 14th made by Trustee Murphy, seconded by Trustee Walker.
Motion carried 4-0

Chief Mahar requested permission to hold the Fire Department Annual Meeting December 2, 2002 in the Village Boardroom because the Secretary will be unable to climb stairs. Permission granted.

SUPT OF WORKS PUBLIC – Russell L Laquidara

Supt. was approached by Deputy Sheriff requesting permission to park the car in the DPW garage when no one is on duty. This would allow the DPW access to plow the parking lot when the car is not in use. The Board discussed this and decided it was not a good idea, they would not want the private cars parked in the DPW garage due to the liability issue.

The Supt. asked the Board if they want him to continue to plow the Community Center and Blockhouse Park parking lots. Discussion was held regarding this issue, Board feels there is no need to plow the Blockhouse lot, Trustee Kinisky would like to continue plowing the Community Center for this year. In the future Trustee Murphy would like to receive a request from the Town if we are to continue this service. Attorney feels, from a liability standpoint, there should be some type of agreement signed. The Mayor will write to the Supervisor regarding snowplowing the Community Center in the winter and mowing the Blockhouse Park in the summer.

Supt. requested permission to purchase a heavy duty metal detector, the one that they have been using is no longer working. It is a very important piece of equipment; it is used to find water shutoffs in the winter.

MOTION to purchase a metal detector at a cost not to exceed \$900.00 made by Trustee Murphy, seconded by Trustee Treacy.
Motion carried 4-0

Trustee Treacy questioned the status of the generator at the water plant. DPW will be moving it into place, run the wire and then have Southworth make the connection.

Trustee Murphy questioned the status of the beavers. Supt. advised that he has applied for a nuisance permit to dispose of the beavers. They are rebuilding nightly, DPW removes dam daily. Mayor advised he has had calls from concerned residents.

Salt shed is nearly complete; it is enclosed, just need to finish the outside. We have ordered salt and are able to store our own supply.

COMMITTEE REPORTS

Trustee Raymond Walker – Met with the Fire Department to discuss the state of the building. Would like to get small items taken care of immediately. The Fire Department Committee will prioritize the work that needs to be done and then we will be ready to ask the Board for permission to complete the work.

Trustee John Treacy – Requested Supt. prepare a one page sheet describing various equipment locations at the water plant as well as the sewer plant so that Board members would be able to give a tour of these plants if the Supt. was unavailable. We are still waiting for SOP's (standard operating procedures) from the Engineer.

Grants: It appears that the Village will be receiving \$30,000 for a Skatepark. Small Cities all 5 owner-occupied have been secured. All 4 facades secured, 2 completed. Matt will continue to work with renter properties. He is also working with owners of rental properties to help secure funding for their share.

Trustee John Murphy – Would like to discuss changing the way the Village bills for water and sewer. Would like board to consider billing water at a different time than sewer so people would understand exactly what they are paying for. He would also like the Board to consider establishing a commercial rate.

Spoke to the Engineer about the bad press we are getting with regard to water, Engineer suggested inviting the local media to tour the water plant with the Water Committee and Engineer so they could ask questions and take pictures so they could provide some objectivity to the situation. Board agreed with this proposal. Trustee Murphy reviewed the Computel letter, would like a list of people they have been successful helping so we could contact them for input.

Trustee Thomas Kinisky – Trustee Kinisky questioned where the Historical Marker from Palmer Street is located. He was advised it is at the garage. It needs repair, the Historian is talking to someone regarding the repair of the sign. He questioned if we would be having a leaf pick-up this year. Supt. explained last year we picked up as people put them out, then disposed of them at the Colonie Landfill. It was decided that Supt. would pick-up leaves until December 1st. Trustee Kinisky questioned why Clarence has not been to school for sewer licensing yet. Supt. advised he would begin school in January.

Trustee Murphy questioned if Supt. contacted Randy Rathbun regarding Blockhouse water and sewer connections. Randy advised the best way to do this would be dig across Hudson Avenue. Trustee Kinisky spoke to Ms. Sanders in the spring; she advised that they would not expect this to be done this year. The Engineer is going to review this project to determine the best way to proceed. It was decided to work on this in the winter so we are ready to begin in the spring.

MOTION to open the floor to the public and press was made by Trustee Treacy, seconded by Trustee Walker.
Motion carried 4-0

Questions were asked and answered regarding the Town water payment and contract, also the beaver problem.

JoAnn Winchell requested a checklist of procedures that need to be completed and who is responsible for this information with regard to the water and sewer connections for the Blockhouse. She congratulated the Village on their award of \$30,000 for a Skateboard Park, she stated the Governor has a Website that lists municipal funding that has been awarded, she will contact the Mayor with information on the web address tomorrow. Mrs. Winchell questioned how large an area the school plows at the bus garage in the event of a storm. It was explained they only plow school owned property, the Village has been plowing the Community Center. Mrs. Winchell asked questions regarding the recent estimated billing that was sent to the Town. She questioned if 130,000 gallons per day would be a high estimate during the winter months. The estimated billing procedure was explained, the current estimate was based on an average of water that was used during the current billing period. An actual reading was taken, usage was calculated, the number of days water was consumed from the village line was determined. An estimate of daily usage was determined, this estimate was in excess of 130,000 gallons.

Mrs. Winchell asked if the tour of the water plant would be an open house. It was explained that this tour would be for the press only.

Mr. James Champlin asked if 130,000 was the minimum amount of water billed the Town during all billing periods. It was explained the Water contract states the Town would purchase the first 130,000 gallons of water per day from the Village, they are only billed for actual usage when they are connected to the village line. The town was billed for 130,000 gallons per day when not connected even though the average was in excess of 130,000 per day, we only billed them for the contract amount.

MOTION to close the floor was made by Trustee Treacy, seconded by Trustee Walker.

NEW BUSINESS

Mayor Martin would like to congratulate the Stillwater Girls Soccer Team for their recent success. He stated the whole community is proud of their success.

December 1st annual Tree Lighting at Cannon Park 6:00 P.M. followed by the annual Live Nativity at Stillwater United Church.

Mayor Martin advised that the Boy Scouts have walked the Village getting as many house numbers as possible. It is necessary that the Village have a 911 coordinator. Mayor Martin appointed Margo Partak as 911 coordinator and her Deputy Beth Riccardi as assistant 911 coordinator for the Village.

MOTION to accept these appointments was made by Trustee Murphy, seconded by Trustee Kinisky.

Motion carried 4-0

RESOLUTION
VILLAGE OF STILLWATER
GENERAL VILLAGE ELECTION
RESOLUTION DESIGNATING THE OFFICES TO BE FILLED
AND THE TERMS THEREOF

WHEREAS, Section 15-104, Sub. 3. (a) of the Election Law of the State of New York provides that the Board of Trustees shall adopt a resolution, at least four (4) months prior to the general Village election, designating the offices to be filled and the terms thereof, such resolution to be published within (10) days of adoption.

NOW, THEREFORE, BE IT RESOLVED, that a General Village Election of the Village of Stillwater, New York will be held on Tuesday, 18th day of March 2003, and the offices to be filled and the terms thereof are as follows:

Mayor – four years	Trustee – four years
Village Justice – four years	Trustee – four years

MOTION made by Trustee Murphy, seconded by Trustee Walker.
Motion carried 4-0

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

WHEREAS, by resolution of this Board duly adopted on the 19th day of November, 2002, the Village was authorized to purchase of one indoor caterpillar Olympian model D150P1 diesel fueled packaged Generator Set, one automatic transfer switch (400 amp, 3 pole, 3 phase) and one motorized louver installed for a total cost of Twenty-six thousand five hundred dollars (\$26,500.00), by the issuance of obligation pursuant to the Local Finance Law, and such contract has been executed in such amount.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. This Village issues its serial bonds in the aggregate amount of Twenty-six thousand five hundred (\$26,500.00) Dollars.
2. The specific object or purpose for which said bonds are to be issued is to provide funds for the above-stated purpose.
3. The estimated maximum cost of such object or purpose is Twenty-six thousand five hundred (\$26,500.00) Dollars, which shall be financed by issuing the above-described bonds, and/or a bond anticipation note.
4. The period of probable usefulness is 30 years in accordance with the provisions of Section 11.00 of the Local Finance Law, subdivision 4.
5. It is hereby determined that the proposed maturity of the bond will not be in excess of four (4) years.
6. The faith and credit of the Village of Stillwater, Saratoga County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall annually be levied on all the taxable real property of said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.
7. There is hereby delegated to the Mayor the power to prepare said bonds, to determine the exact date thereof, to execute said bonds on behalf of the Village and to sell said bonds, pursuant to 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 2002. 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 2002 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 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 sign-board 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.

MOTION to adopt was made by Trustee Murphy, seconded by Trustee Walker.
Motion carried 4-0

BOND ANTICIPATION NOTE RESOLUTION

ADOPTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF STILLWATER COUNTY OF SARATOGA STATE OF NEW YORK

WHEREAS, this Board has on November 19th, 2002, adopted a Resolution authorizing this issuance and sale of bonds in the amount of Twenty-six thousand five hundred (\$26,500.00) Dollars for the purpose of purchasing one indoor Caterpillar Olympian Model D150P1 Diesel Fueled Packaged Generator Set, one Automatic Transfer Switch (400 Amp, 3Pole, 3Phase) and one motorized louver installed said bonds having not as yet been sold.

NOW, THEREFORE, IT IS RESOLVED THAT:

1. The specific object or purpose for which the obligation is to be issued pursuant to the resolution is to finance the above-stated purpose.
2. The bond resolution authorizing the bonds in anticipation of the sale of which this note hereby authorized is to be issued is a serial bond resolution of this Board adopted this day to provide funds for the above specific object or purpose.
3. The amount of bonds to be issued for such specific object or purpose is the sum of Twenty-six thousand five hundred (\$26,500.00) Dollars, and such bonds are to serial bonds.
4. The amount of bond anticipation note hereby authorized is Twenty-six thousand five hundred (\$26,500) dollars, and that none of said bonds have been sold and no other bond anticipation note has been issued in anticipation of the sale thereof and the note hereby authorized is not a renewal note.
5. There is hereby authorized to be issued a bond anticipation note in the amount of Twenty-six thousand five hundred (\$26,500) Dollars, maturing November 19th, 2003 and it shall be executed in the name of this Village by its Mayor, its corporate seal shall be affixed thereto and it shall be attested by the clerk and shall bear interest at the rate of 3.02% per annum payable at maturity; and said note shall be sold to Ballston Spa National Bank upon receipt of the face amount thereof.

6. 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 2002. 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 2002 for the purpose of Section 265 (b)(3)(C) of the Code does not exceed \$10 million.
7. 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.
8. 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.
9. Said note is not issued in anticipation of bonds for an assessable improvement, or any other purpose specified by Section 36.00(a) of the Local Finance Law.
10. This resolution shall take effect immediately.

MOTION made by Trustee Murphy, seconded by Trustee Walker.
Motion carried 4-0

The Clerk-Treasurer requested permission to apply for a Sam's Club Membership with credit card.

MOTION authorizing the Clerk-Treasurer to apply for a Sam's Club Membership for the Village was made by Trustee Murphy, seconded by Trustee Walker.
Motion carried 4-0

OLD BUSINESS

Bunce Lane drainage pipe: Mayor Martin questioned if DPW repaired the storm drain line that empties into the river. Supt. Laquidara explained that the pipe is deteriorating under the adjacent property owner's deck, it could be considerable expense to repair. Discussion was held, it was decided to have the engineer determine what needs to be done to correct the problem Trustee Kinisky suggested he review the Blockhouse water/sewer situation at the same time.

Mayor Martin advised that he was contacted by Mrs. Taglione, Clinton Court, she is continuing to have problems with water in her yard. She feels it is the cemetery draining in the area. Board feels that this is not a village problem, it is due to the fact that the property is at the bottom of a hill and during heavy rain there is not place for the water to go other than this yard. Mayor will contact Mrs. Taglione advise her of the Board's feeling.

MOTION to approve the Treasurer's Report as presented made by Trustee Murphy, seconded by Trustee Treacy.
Motion carried 4-0

MOTION to approve the minutes from October 19, 2002 made by Trustee Treacy, seconded by Trustee Walker.
Motion carried 4-0

MOTION to approve the audited claims:

A	\$15,577.62
F	\$ 7,948.37
G	\$ 3,696.00

Made by Trustee Murphy, seconded by Trustee Treacy.
Motion carried 4-0

MOTION to adjourn to Executive Session at 8:50 P.M. to discuss and contract matter made by Trustee Murphy, seconded by Trustee Kinisky.
Motion carried 4-0

MOTION to return to regular session made by Trustee Murphy, seconded by Trustee Kinisky.
Motion carried 4-0

The Board decided to hold a Special Meeting on December 3rd at 7:00 P.M. to discuss various issues.

MOTION to adjourn was made by Trustee Treacy, seconded by Trustee Kinisky.
Motion carried 4-0

Meeting adjourned at 9:50 P.M.

Respectfully submitted,

Margo L. Partak
Clerk-Treasurer