

Stillwater Town Board
Agenda Meeting/Public Hearing
(Saratoga Lake PDD)
September 6, 2012 7:00 PM
Stillwater Town Hall

Present: **Councilman Artie Baker**
 Councilman Ken Petronis
 Councilwoman Virginia Whitman
 Supervisor Ed Kinowski

Also Present: **Sue Cunningham, Town Clerk**
 Mark Minick, Supt of Highways
 James Trainor, Attorney for the Town
 Joe Lanaro, Engineer for the Town

Absent: **Councilwoman Lisa Bruno**

Supervisor Kinowski called the Public Hearing to order and led everyone in the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

7:00 PM Public Hearing Amendment to the GEIS fees

Purpose: The purpose of the Public Hearing is to afford the public the opportunity to comment on the proposed amendments to the Towns GEIS fees.

Supervisor Kinowski explained the purpose of the public hearing and opened the meeting up for public comment.

Art F. inquired who decides what is accepted instead of the fees.

Supervisor Kinowski stated that the proposal would be made to the Town Board and they would decide.

Attorney Trainor stated that they would take into consideration the value of the service versus what the fee would be.

Tony B inquired about the extent of the Engineers input.

Supervisor Kinowski stated that it would depend on the complexity of the case.

Engineer Lanaro stated that their fee would be included in the review and included in their escrow fees.

More of a discussion was held on payment of fees, services, open space and it was noted this gives the resident or developer an alternative to payment.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing at 7:20 pm. Supervisor Kinowski requested a resolution for the next meeting on adopting the amendments.

7:25 PM Regular Meeting

Supervisor Kinowski called the agenda meeting to order.

Sue Cunningham, Town Clerk took the roll call.

Special Guest

Chief Dennis Latham of the Stillwater Police Dept gave a brief overview of the Stillwater Police Dept, officer's responsibilities & credentials, grant money obtained, equipment, programs, sponsorships and state mandates.

Discussion was held on the request to replace one of the police cars that has over 125,000 miles on the car, cost, and three year lease payment plan.

Supervisor Kinowski requested a resolution for the next meeting to move forward with the purchase of a new vehicle.

Special Presentation

Engineer Lanaro gave a brief presentation on the land survey service agreement known as Mullah Hill. He went over what needs to be done; identifying what the Town owns, title, search staking the corners, topography and cost. Engineer Lanaro gave the Town the option to do the work now and pay next year.

Discussion was held on removing it from the table to act on. The decision was to consider it for the next meeting.

Reports

(Town Board & Department Heads)

Councilwoman Whitman

Town Clean-up: Councilwoman Whitman reported that the 2nd Town wide Clean-up is scheduled for October 27th.

Concert: Councilwoman Whitman reported that a free concert is planned for September 14th in conjunction with the Arvin Hart Friday night drive-in held at the Riverside pavilion.

Day at the Races: Councilwoman Whitman reported that the Day at the Races was a success.

Foundries Monies: Councilwoman Whitman commented on the foundries monies and the misconception residents have about its use.

A brief discussion was held on this.

Veterans Cap: Councilwoman Whitman inquired if any information was available on raising the veterans cap.

Supervisor Kinowski stated that they won't no the effect on the assessment until budget time.

Van Ness Rd: Councilwoman Whitman inquired if all fees were included in the Bond and why there was a price increase.

Engineer Lanaro stated that the cost of steel has gone up.

Supervisor Kinowski

Budget: Supervisor Kinowski handed out to the Board members an overview of funds. A brief discussion was held on expenditures and the overall budget. Supervisor Kinowski stated that he would be requesting several budget workshops.

Global Foundries-Park Recreation: Supervisor Kinowski gave a brief overview of the park located within Global Foundries and how it was being run by a not for profit committee. He stated that he will request that the Town contribute \$12,500 for maintenance. If the Town doesn't give input they will be left out in any decisions made regarding the Park.

Village Water Bill: Supervisor Kinowski stated that in looking over the last Village water bill John Curtis brought it to his attention the Village billed at the new water rate instead of waiting the six month after notification. After speaking with the Mayor the next billing will have a credit on the bill.

Councilman Baker

Proposed water line: Councilman Baker inquired if there is any more information on using some of the pilot money towards the proposed water line.

Supervisor Kinowski stated that will be discussed during the Capital Projects meeting.

Sidewalk-North End: Councilman Baker stated that the sidewalk looks good at the North end of Town.

Supervisor Kinowski stated that when he drove by he noticed there is already parking on the sidewalk.

Gurba Park: Councilman Baker inquired if the Attorney had any information on the survey of the park area.

Attorney Trainor stated he did not have the info with him this evening and that he would bring it to the Capital Projects meeting.

Riverfront Park: Councilman Baker inquired as to the status of the Riverfront Park.

Supervisor Kinowski stated that the covenant has been signed and they are moving ahead.

Supt of Highways

(Mark Minick)

Supt Minick gave a brief overview of work being done by the Highway Dept. He also reported on a problem he has run into with builders hooking up to water without meters. He would like to see obtaining meters part of the building permit process.

Engineer Lanaro recommended that it be made part of the building permit process.

Mitchell Rd: Supt Minick reported that they would be starting Mitchell Road on Monday.
Drainage issue-Water District #5: Supt Minick reported that there has been a drainage issue near the meter pit for water Dist #5 which is bringing in snakes and mosquitoes. He requested that the pipe be extended and the cost would be approximate \$7200 to correct the problem.

Agenda Items (Resolutions #77-#78)

Resolution #77 BOND RESOLUTION DATED SEPTEMBER 6, 2012

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #78:

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF STILLWATER, SARATOGA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,550,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE RECONSTRUCTION OF VAN NESS ROAD AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

BE IT RESOLVED, by the Town Board of the Town of Stillwater, Saratoga County, New York (the "Town") (by the favorable vote of not less than two-thirds of all of the members of the Board) as follows:

SECTION 1. The specific purpose (hereinafter referred to as "purpose") to be financed pursuant to this resolution is the reconstruction of Van Ness Road. The estimated maximum cost of said purpose is \$1,550,000.

SECTION 2. The Town Board plans to finance the total cost of said purpose by the issuance of serial bonds of the Town in an amount not to exceed \$1,550,000, hereby authorized to be issued therefore pursuant to the Local Finance Law.

SECTION 3. It is hereby determined that said purpose is an object or purpose described in subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of said purpose is fifteen (15) years.

SECTION 4. It is hereby determined that the proposed maturity of the obligations authorized by this resolution will not be in excess of five (5) years.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any notes issued in anticipation of said bonds.

SECTION 6. The proceeds of the bonds authorized by this resolution, and any notes issued in anticipation thereof, may be applied to reimburse the Town for expenditures made after the effective date of this resolution for the specific purpose set forth herein. This resolution shall constitute a statement of official intent for purposes of Treasury Regulation Section 1.150-2 of the United States Treasury Department.

SECTION 7. Each of the bonds authorized by this resolution, and any notes issued in anticipation thereof, shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law. The faith and credit of the Town are hereby irrevocably pledged for the payment of the principal of and interest on said bonds 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 said bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of the Town a tax sufficient to pay the principal of and interest on said bonds as the same become due and payable.

SECTION 8. Subject to the terms and contents of this resolution and the Local Finance Law, and pursuant to the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 63.00, inclusive, of said Law, the power to authorize bond anticipation notes in anticipation of the issuance of the serial bonds authorized by this resolution and the renewals of said notes, and the power to prescribe the terms, form and contents of said serial bonds and said bond anticipation notes (including, without limitation, dates, denominations, maturities, interest payment dates, consolidation with other issues, manner of execution and redemption rights), and the power to determine to issue said bonds providing for substantially level or declining debt service, and the power to sell and deliver said serial bonds and

any bond anticipation notes issued in anticipation of the issuance of said bonds, are hereby delegated to the Town Supervisor, the Chief Fiscal Officer of the Town. The Town Supervisor is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation of the issuance of said serial bonds, and the Town Clerk is hereby authorized to affix the corporate seal of the Town to any of said serial bonds or any bond anticipation notes and to attest such seal.

SECTION 9. The Town Supervisor 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 any notes issued in anticipation thereof, as "qualified tax-exempt obligations" in accordance with Section 265(b)(3) of the Code.

SECTION 10. This resolution shall take effect immediately upon its adoption.

The question of the adoption of the foregoing resolution was moved by Councilman Petronis, seconded by Councilman Baker and duly put to vote on a roll call, which resulted as follows:

Edward D. Kinowski	VOTING	<u>YES</u>
Art Baker	VOTING	<u>YES</u>
Lisa Bruno	VOTING	<u>ABSENT</u>
Ken Petronis	VOTING	<u>YES</u>
Ginger Whitman	VOTING	<u>YES</u>

The foregoing resolution was thereupon declared duly adopted. CERTIFICATE OF RECORDING OFFICER

The undersigned hereby certifies that:

(1) She is the duly qualified and acting Clerk of the Town of Stillwater, Saratoga County, New York (hereinafter called the "Town") and the custodian of the records of the Town, including the minutes of the proceedings of the Town Board, and is duly authorized to execute this certificate.

(2) Attached hereto is a true and correct copy of a resolution duly adopted at a regular meeting of the Town Board held on the 6th day of September, 2012 and entitled:

A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS OF THE TOWN OF STILLWATER, SARATOGA COUNTY, NEW YORK IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$1,550,000 PURSUANT TO THE LOCAL FINANCE LAW TO FINANCE THE RECONSTRUCTION OF VAN NESS ROAD AND DELEGATING THE POWER TO ISSUE BOND ANTICIPATION NOTES IN ANTICIPATION OF THE SALE OF SUCH BONDS TO THE TOWN SUPERVISOR.

(3) Said meeting was duly convened and held and said resolution was duly adopted in all respects in accordance with law and the regulations of the Town. To the extent required by law or said regulations, due and proper notice of said meeting was given. A legal quorum of members of the Town Board was present throughout said meeting, and a legally sufficient number of members (two-thirds of all of the members of the Town Board) voted in the proper manner for the adoption of said resolution. All other requirements and proceedings under law, said regulations or otherwise incident to said meeting and the adoption of said resolution, including any publication, if required by law, have been duly fulfilled, carried out and otherwise observed.

(4) The seal appearing below constitutes the official seal of the Town and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, the undersigned has hereunto set her hand this 6th day of September, 2012.

Sue Cunningham, Town Clerk

Motion Carried. Resolution #77 was adopted unanimously.

Resolution #78

**Adopt Post-Issuance Compliance Procedure & Policy
For Tax-Exempt Governmental Bonds**

Introduced by: Supervisor _____

WHEREAS, the Town has obligations pursuant to the Internal Revenue Code of 1986, as amended, to take certain actions subsequent to the issuance of tax-exempt governmental bonds; and

WHEREAS, the attached Post-Issuance Compliance Procedure and Policy For Tax-Exempt Governmental Bonds has been developed to ensure compliance with its post-issuance obligations;

Now therefore, be it,

RESOLVED, that the Town Board hereby adopts the attached Post-Issuance Compliance Procedure and Policy for Tax-Exempt Governmental Bonds.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #78 of 2012.

A roll call vote was taken on Resolution #78 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	ABSENT

Motion carried. Resolution #78 of 2012 was adopted unanimously.

Public Input

Coke C inquired about developers hooking up to water without meters and who should be called when there is a water situation.

Supt Minick explained the present procedure for developers/builders, inspection of hookups and feels that if it is made part of the building process it will settle the problem of hookup without meters. If case of a water situation call 911 and they will contact him.

Coke C stated that he was not comfortable calling 911 for this.

Supervisor Kinowski stated that there are still problems with the 911 system.

Discussion was held on the 911 system.

Marty D inquired how long the road work on Van Ness Rd would take.

Engineer Lanaro stated that it would be approximately 45 days.

Art F commented on Chief Latham’s report the work to be done on Van Ness Rd.

Audited Claims

Motion by Councilman Petronis and seconded by Councilwoman Whitman to pay the audited claims.

General	#331-#353	\$32,754.32
Town Outside	#175-#197	\$36,053.19
Highway	#305-328	\$28,052.30
Water & Sewer	#41-#43	\$1880.79

Motion carried.

Motion Councilman Petronis and seconded by Councilman Baker to adjourn the Agenda meeting at 9:05 pm. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk