Village of Tupper Lake
Board of Trustees
Minutes

Date:	Thursday, January 15, 2015	
Start:	4:00 PM	
Location:	Board Room	
Meeting:	Special Meeting	4:00 – 4:18 PM

At the Special Meeting of the Board of Trustees held this date, the following were present: Mayor Paul A. Maroun, Trustees Leon LeBlanc, Richard Donah, Thomas Snyder and Village Clerk/Treasurer Mary A. Casagrain.

Absent from the Special Meeting was Trustee David Maroun.

Also present were News Reporters Dan McClelland and Thomas Salitsky.

Call to Order and Agenda Established

Mayor Maroun called the Special Meeting to order and established the agenda at 9:00 am.

SEQR Resolution NYS DOT Route 3&30 Reconstruction Project Betterments & Utility Improvements

The following resolution was offered by Trustee Leon LeBlanc, who moved its adoption, seconded by Trustee Thomas Snyder, to-wit:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUPPER LAKE, FRANKLIN COUNTY, NEW YORK (THE "VILLAGE"), PURSUANT TO THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT CONCERNING THE RECONSTRUCTION OF EXISTING STREETS ON NEW YORK ROUTES 3 AND 30 THAT WILL INCLUDE IMPROVEMENTS TO DRAINAGE, AND STORMWATER MANAGEMENT, AND AS WELL AS VARIOUS IMPROVEMENTS TO LANDSCAPING, RETAINING WALLS, AND PARKING AND TO ALSO INCLUDE THE ACQUISITION OF CERTAIN BUILDINGS LOCATED IN THE VILLAGE.

WHEREAS, the Board of Trustees (the "Board") of the Village of Tupper Lake, Franklin County, New York (the "Village") is considering undertaking the funding of certain aspects of a project that includes the reconstruction of existing state highways within the Village and in summary will include improvements to geometrics, drainage and stormwater management associated with such reconstruction in the area of the proposed project improvements and construction, as well as improvements to utilities, sidewalks, landscaping and retaining walls as well as additional improvements to parking and pavement in and around the area of reconstruction, as well as the acquisition of certain buildings within the Village (the "Project"); and

WHEREAS, the Board, is considering the impact of the Project on the environment in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York State Environmental Conservation Law and associated regulations, including implementing regulations 6 N.Y.C.R.R. 617.1 et seq. ("SEQRA") the scope of which is summarized above and is set forth in more detail below and in various documents associated with the Project which are incorporated herein by reference, and which are identified with more specificity below and the Board as involved agency under SEQRA is required to undertake such review and consider such impacts prior to resolving to provide funding for the Project; and

WHEREAS, the location of the Project is within the Village of Tupper Lake, Franklin County New York approximately beginning at the intersection of New York Route 30 and Queen Street and proceeding northerly to the intersection of Park Street and ending at the intersection of New York Routes 3 and 30 where they overlap with McLaughlin Avenue and such location of the Project will also include minor improvements to Lake Street and Wawbeek Avenue and such Project includes the acquisition of certain buildings located in the Village need to complete the Project (the "Project Site"); and

WHEREAS, pursuant to SEQRA, the Board is required to undertake a review of potential environmental impacts associated with the Project prior to consideration of any resolution to provide funding for it with such proposed resolution for the Project to include Village funding for water mains, lateral mains and sewer lines; and

WHEREAS, pursuant to the required SEQRA review undertaken for the Project, the Board has reviewed the following documents which include but are not limited to: the Adirondack Park Agency ("APA") Determination under APA Project Order and Permit No. 2014-171 dated December 17, 2014 (hereinafter "the December 2014 APA Determination"); the New York State Department of Transportation's Notice of Environmental Determination including its determination under the New York State Environmental Quality Review Act of No Significant Effect, dated August 29, 2013 (the "NYSDOT SEQRA Determination"); the United States Federal Highway Administration's Finding of No Significant Impact, dated June 21, 2013, including the Wetland Finding incorporated by reference into it (the "June 21, 2013 FONSI"); the Design Report/Environmental Assessment prepared by the New York State Department of Transportation and the United States Department of Transportation, Federal Highway Administration (including the draft of same) dated July 26, 2012 for the Project as well as the Appendices thereto ("the July 2012 Design Report and EA"); various resolutions concerning the Project enacted by the Board, including Resolutions Numbered as follows, 040914A, 040914B, 040914C, 040914D, 040914E, 040914F, 040914H and 091514A, dated April 2014 and September 2014 ("the Previous Board Resolutions"), with the Previous Board Resolutions pertaining to various proposed Project features including maintenance of water mains and sanitary sewer appurtenances for the Project, protection from encroachment on the future right-of-way for the Project, maintaining of stormwater drainage for the Project, maintaining, repairing and energizing the highway lighting system associated with the Project, and authorizing payment to the State of New York for certain work associated with the Project, as well as other documents and items referenced herein; and

WHEREAS, the Board has considered each of the public outreach activities undertaken by the New York State Department of Transportation and other agencies associated with the Project, including outreach to various stakeholder groups and various hearings that have been held as detailed in the documentation referenced above and herein; and

WHEREAS, the Board has considered the impact on the environment of the Project, including as detailed in the documents referenced above and as set forth in more detail below, by undertaking a thorough review of the conditions and issues associated with the construction and development of the Project; and

WHEREAS, the Board resolves based upon the information contained in the referenced documentation as well as based on the other information as detailed herein and based upon the Notice of Negative Declaration made pursuant to this resolution that for purposes of making a SEQRA determination as an involved agency, the Project will not result in any significant adverse impact to the environment for the reasons which are set forth herein as follows:

Name of Action: Reconstruction of Routes 3 and 30 for the Village of Tupper Lake, and associated improvements concerning drainage, stormwater, and sidewalk improvements which is also known as New York State Department of Transportation PIN No. 7044.26.

Involved Agency: The Board of the Village of Tupper Lake, Franklin County, New York is making this determination and issuing this finding as an involved agency for the Project.

Type of Action: Unlisted.

Description of Action:

The Project includes the reconstruction of existing state highways within the Village of Tupper Lake, Franklin County, New York to include the reconstruction of New York Routes 3 and 30, as well as improvements to be constructed associated with such reconstruction, including but not limited to improvements to geometrics, drainage and stormwater management as well as improvements to utilities, sidewalks, and landscaping in and around the area of the Project as identified herein, to also include the development of retaining walls and improvements to parking and pavement appurtenances. In addition, certain buildings located in the Village proximate to the Project Site (as identified below) will be acquired in order to complete the Project.

Location of Project (Location where Project Work Is Proposed):

The location where the Project work will be undertaken is within the Village of Tupper Lake, Franklin County, New York, within the right-of-way of New York State Routes 3 and 30 and such area where Project work will be completed also includes the following Village streets, including Lake Street, Mill Street, Wawbeek Avenue and Park Street, and the acquisition of certain improved real property located in the Village as identified in the Project plans on file with the Village Clerk ("the Project Site"). In addition, proposed locations for disposal of unsuitable and excess excavated soils and broken concrete from the Project although not located on the Project Site are proposed to include two permitted open pit mines, one is located in Gale, New York, approximately eight (8) miles west of the Hamlet of Tupper Lake, in the Town of Piercefield bearing tax map parcel No. 195-6-11.1 and comprising an approximately 210 acre parcel. The second proposed location is a mine located at 54 Little Wolf Road, near Coney Beach Road bearing tax map parcel Nos. 480-3-10.20 and 480.50-1-1 comprising an approximately 9.53 acre parcel. Each mine has mine permits issued to it pursuant to the New York State Department of Environmental Conservation including Agency Permit Nos. 95-90 and 99-217 and any disposal will be required to be authorized under applicable permits and regulations and any such disposal activities will be undertaken in accordance with applicable law.

NOW THEREFORE BE IT RESOLVED:

Upon a thorough review and due consideration by the Board of the various documents identified in the above Whereas clauses, including, but not limited to the December 2014 APA Determination; the NYSDOT SEQRA Determination, including the documents referred to in the previously referenced documents and incorporated therein; the United States Department of Transportation Federal Highway Administration's June 21, 2013 FONSI and the documents relied on in support of same; the July 2012 Design Report and EA prepared by the New York State Department of Transportation and the Federal Highway Administration and in consideration of all of the information set forth in the above Whereas clauses which are incorporated herein by reference and reiterated herein as though fully set forth.

NOW, THEREFORE the Board makes the following findings:

1. The Board has considered the Project pursuant to the parameters and criteria set forth in applicable provisions found under 6 N.Y.C.R.R. §§ 617.2 and 617.3.

2. The Board has classified its review and approval of the Project as an Unlisted Action pursuant to applicable regulations and criteria, including under SEQRA.

3. The Board has reviewed the documents referenced herein, as well as reviewing the various plans, regulations and criteria associated with the Project including the plans for same provided by the New York State Department of Transportation and has considered the criteria set forth in 6 N.Y.C.R.R. § 617.7(c). Based upon the foregoing analyses and information, the Board incorporates by reference the previously referenced documents and findings prepared by the New York State Department of Transportation, the Federal Highway Administration, and the Adirondack Park Agency, including the December 2014 APA Determination, the NYSDOT SEQRA Determination, the June 21, 2013 FONSI, the July 2012 Design Report and EA, and the Previous Board Resolutions issued for the Project as well as incorporating by reference each of the facts and circumstances set forth in the above "Whereas Clauses" found at pages 1-3 of this resolution as if each were set forth herein in full, and in addition the Board has undertaken its own independent review of the Project, including analyzing the potential relevant areas of environmental concern and finds that the Project will not result in a significant adverse impact on the environment for the following reasons:

Impacts from Drainage/Stormwater (during construction):

a) The Project will not have a potentially significant adverse impact from drainage or storm water as all erosion and sediment control measures shall be properly installed and maintained in accordance with Adirondack Park Agency approved plans and in accordance with the applicable requirements under New York law during construction and as set forth in more detail below, following completion of construction (as applicable). In addition, disturbed areas shall be temporarily mulched to eliminate off-site impacts to wetlands and water quality including based on the re-establishment of turf shall be accomplished by the contractor. In addition, temporary mulch will be placed within 100 feet of any water body, river or stream and no other areas on the Project Site shall be exposed by clearing and grubbing or be left in an unprotected condition for longer than two days without proper erosion and control measures implemented as referenced herein or otherwise required by applicable law. Further, the Project will not result in any stormwater impacts or impacts from erosion because the Project's construction activities will be undertaken pursuant to the requirements of the New York State Pollutant Discharge Elimination System Program ("SPDES"), including requiring any activities on the Project Site to be completed in accordance with the requirements of a SPDES General Permit under Permit No. GP-0-10-001, including the preparation of a stormwater pollution prevention plan which has been developed for the Project, including the Project Site. Further, all areas disturbed by the Project work will be restored and erosion and sediment control measures will be managed by the use of silt fence and/or straw bales as appropriate to minimize and contain any erosion that may occur.

Impacts to Wetlands:

b) The Project will not have a potentially significant adverse impact to wetlands, as any activities that may impact wetlands will be subject to appropriate Adirondack Park Agency approvals and requirements associated with such approvals and as measures otherwise required by applicable law, including those measures identified above to minimize or completely mitigate impacts from drainage and stormwater. Further, only clean stone fill shall be used adjacent to or within the mean high water mark of the Raquette Pond for the Project. Further, a detailed staging plan shall be submitted for prior APA review and approval if any staging areas for the Project are proposed within 100 feet of wetlands and any such requirements imposed by APA in accordance with any such staging plan shall be implemented for any such Project work (as identified) by Project contractors.

Impacts from Waste Disposal:

c) The Project will not result in any potentially significant adverse impacts from waste disposal. As described in the Project location description above, two mines (located away from the Project Site) have been identified for conceptual approval of the disposal of soils and concrete generated from the Project. However, prior to the use of any such site, detailed plans must be filed with the APA and

any required approvals from APA and DEC shall be obtained prior to the use of any such areas for disposal. Further, any additional waste disposal areas not previously approved by the APA will require the submission of a comprehensive waste disposal plan and such plan will be reviewed by the New York State Department of Transportation and by the APA.

Impacts to Land and Community Character:

d) There will be no potentially significant adverse impacts to land or to community character because as detailed above, drainage and erosion measures shall be implemented as required by applicable law as well including the APA, and a landscaping plan shall be installed including one that addresses the loss of any trees of significance as determined by the APA. In addition, NYSDOT has completed outreach to the community and stakeholders concerning the alternative selected and reports that same is not in direct conflict with any applicable community plans.

Impacts to Stormwater (permanent measures to be constructed):

e) There will be no potentially significant adverse impacts from stormwater after the Project is constructed, because the Project includes proposed stormwater improvements that will involve the installation of four pipe sections on Town-owned parkland and associated outlet structures within the mean high water mark of Raquette Pond.

Impacts to Parkland:

f) There will be no potentially significant adverse impact to parkland, because as detailed above concerning stormwater, certain measures will be installed on identified parkland but same will not result in any such significant adverse impacts. By letter dated February 14, 2012, the New York State Office of Parks, Recreation and historic preservation ("OPRHP") found that the drainage structures to be located in or in proximity to parkland for the Project will not result in any alienation or conversion of parkland or any use of parkland. Furthermore, as part of the Project, NYSDOT shall restore all parklands, facilities and shoreline walkway to their original condition for continued park and recreational purposes upon completion of the Project.

Impacts from Erosion and other impacts to any sensitive or protected areas :

g) The Project will not result in any potentially significant adverse impacts as the result of erosion or from sediments to land or sensitive areas as the work to be conducted on the Project Site is subject to a DEC temporary revocable permit (No. 8620 issued on November 14, 2014) for work involving lands under the jurisdiction of the DEC including installing and replacing piping, headwalls and stone aprons within the mean high water mark of Raquette Pond in Waterfront Park and Flanders Park. Further, DEC has informed NYSDOT that the Project will not require an individual water quality certification because the Project is subject to the Army Corps of Engineers Wetlands General Permit No. 3 for maintenance. In addition, as discussed in the section dealing with stormwater impacts from construction above, the Project will not result in any stormwater impacts or impacts from erosion because the Project's construction activities will be undertaken as discussed above concerning impacts from stormwater during construction pursuant to the requirements of the New York State Pollutant Discharge Elimination System Program ("SPDES") including requiring any activities on the Project Site to be completed in accordance with the requirements of a SPDES General Permit for construction including the preparation of a stormwater pollution prevention plan which has been developed for the Project. Further, all areas disturbed by the Project work will be restored and erosion and sediment control measures will be managed by the use of silt fence and/or straw bales as appropriate to minimize and contain any erosion that may occur.

Impacts to Air Quality:

h) The Project will not result in any potentially significant adverse impacts to air quality for the reasons detailed in Chapter 4, § 4.4.15 of the DOT FHWA Design Report and EA including because no significant increase to traffic from development and operation of the Project is anticipated.

Impacts on Historic Properties:

i) The Project will not have any potentially significant adverse impact on historic properties as the FHWA has completed a review of the Project work including the buildings to be acquired and determine that no effect on historic properties will be undertaken in accordance with applicable federal regulations including 36 CFR Part 800.

Impacts from Traffic and Noise:

j) The Project will not result in any potentially significant adverse impact from increases or changes in traffic or noise levels. Pursuant to a noise study completed for the Project under the auspices of the New York State Department of Transportation and the Federal Highway Administration as part of the Design Report and Environmental Assessment dated July 2012. No noise mitigation measures are required though there will be a temporary increase in noise level during construction of the Project due to the use of construction equipment. Further, there is no anticipated impact from traffic as significant increases in traffic are not anticipated.

Impacts on Threatened or Endangered Species:

k) The Project will not create a potentially significant adverse impact on threatened or endangered species. Based upon coordination with the Federal Highway Administration, it was resolved that the Project will have no effect on species protected under applicable law.

NOW THEREFORE BE IT FURTHER RESOLVED:

Based on the foregoing, the Board finds that the Project will not have a significant adverse environmental impact in accordance with the New York State Environmental Quality Review Act, Article 8 of the New York Environmental Conservation Law and, in particular, pursuant to the criteria set forth at 6 N.Y.C.R.R. § 617.7(b) and (c) of such regulations and law. The Board thus issues a Negative Declaration pursuant to SEQRA and directs the following be undertaken and/or makes the following additional findings.

1. A Notice of Negative Declaration shall be filed and/or published to the extent required by the SEQRA regulations, and/or as the Board may deem advisable. The findings and conclusions relating to the determination of significance contained within the Notice of Negative Declaration the Resolution of Negative Declaration herein as hereby adopted and incorporated by reference. This Resolution has been prepared in accordance with Article 8 of the New York Environmental Conservation Law by the Village Board of the Village of Tupper Lake.

2. This resolution and any notice hereof will be filed and published in accordance with applicable law and as may otherwise be deemed appropriate by the Board.

3. The requirements of SEQRA have been satisfied.

The Village Clerk polled the Board of Trustees as follows:

AYE	NAY
Trustee Leon LeBlanc	
Trustee Thomas Snyder	
Trustee Richard Donah	
Mayor Paul A. Maroun	
(Carried 4-0)	

Bond Resolution
NYS DOT Betterments
& Lake/Wawbeek Avenue
Utility Improvements The following resolution was offered by Trustee Leon LeBlanc, who moved its adoption, seconded by Trustee Thomas Snyder, to-wit:

The following resolution was offered by Trustee Leon LeBlanc, who moved its adoption, seconded by Trustee Thomas Snyder, to-wit:

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUPPER LAKE, FRANKLIN COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ISSUANCE OF UP TO $1,035,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE THE COST OF CERTAIN IMPROVEMENTS ON (I) NYS ROUTE 30 AND NYS ROUTE 3 AND (II) LAKE STREET AND WAWBEEK AVENUE; STATING THAT THE MAXIMUM ESTIMATED COST THEREOF IS $1,035,000; AND APPROPRIATING SAID AMOUNT THEREFOR

WHEREAS, the Board of Trustees (the "Board") the Village of Tupper Lake, Franklin County, New York (the "Village") proposes to authorize the issuance of $1,035,000 in serial bonds of the Village to finance the estimated cost of (i) the construction of water and sewer mains and laterals on portions of NYS Route 30 and NYS Route 3 located within the Village in connection with the reconstruction of such roads by the New York State Department of Transportation, including any equipment, furnishings, machinery, or apparatus, and any ancillary or related work required in connection therewith (the "Betterments Project"), and (ii) the reconstruction or replacement of water and sewer lines on portions of Lake Street and Wawbeek Avenue consisting of the acquisition, construction and replacement of (a) approximately 1,375 linear feet of 8" ductile iron water mains and (b) approximately 375 linear feet of sewer mains, new water service laterals and miscellaneous appurtenances, including, the replacement of hydrants and valves, the construction or reconstruction of curbs, gutters, drainage, landscaping and grading and including any equipment, furnishings, machinery, or apparatus, and any ancillary or related work required in connection therewith (the "Village Project" and collectively with the Betterments Project, the "Projects"), all at an estimated maximum cost of $1,035,000; and

WHEREAS, by resolution dated January 15, 2015, adopted immediately prior to the consideration of this resolution, the Board determined that the project of which the Betterments Project is a part (i) constitutes an Unlisted Action within the meaning of the State Environmental Quality Review Act and the regulations of the Department of Environmental Conservation promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA") and (ii) that such project will not have a significant adverse environmental impact and issued a negative declaration pursuant to SEQRA with respect to such project; and

WHEREAS, by resolution dated February 18, 2014, the Board, acting as lead agency under SEQRA, determined that the improvements included in the Village Project constitute a "Type II" action within the meaning of SEQRA, and that no further action under SEQRA is required to be undertaken with respect to such capital improvement project; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village's serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF TUPPER LAKE, FRANKLIN COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Village is hereby authorized to issue $1,035,000 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of the Projects. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is $1,035,000, said amount is hereby appropriated therefor, and the plan for the financing thereof shall consist of (i) the issuance of up to $1,035,000 in serial bonds of the Village authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds, to finance said appropriation, and (ii) the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 2. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is forty (40) years, pursuant to subdivisions 1, 4 and 102 of paragraph a. of Section 11.00 of the Law.

SECTION 3.The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Village shall reimburse such expenditures with the proceeds ofthe bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village subject to applicable statutory limits, if any. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Village Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer, as the chief fiscal officer of the Village (the "Treasurer"). Such notes shall be of such terms,

form and contents as may be prescribed by said Treasurer consistent with the provisions of Local Finance Law. Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the Village Treasurer. Such bonds or notes shall be of such terms, form and contents as may be prescribed by said Treasurer consistent with the provisions of the Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Treasurer, as the chief fiscal officer of the Village.

SECTION 7. The Village Treasurer is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the Rural Development and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 8. The Treasurer is hereby 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, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 11. In accordance with Section 36.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Nine of the Village Law of the State of New York (the "Village Law"). The Village Clerk is authorized and directed, within ten (10) days after the date of adoption of this resolution by the Board of Trustees, to post and publish a notice with respect to this resolution satisfying the requirements of Section 9-900 of the Village Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

SECTION 12. In accordance with the Village Law, this resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) of the qualified electors of the Village, as shown on the Village's register of electors for the last general Village election, protesting against this resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition

for approval of this resolution shall be submitted at a regular election held not less than ten (10) and not more than sixty (60) days after the filing of such petition.

SECTION 13. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such 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

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 14. As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full in the official newspaper of the Village for such purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

The Village Clerk polled the Board of Trustees as follows:

	AYE	NAY
Trustee Leon LeBlanc		
Trustee Thomas Snyder		
Trustee Richard Donah		
Mayor Paul A. Maroun		

(Carried 4-0)

2015 Smart Growth Grant Funding Application

Motion by Trustee LeBlanc, seconded by Trustee Donah to formally approve the following resolution in support of a 2015 Smart Growth Grant Funding Application as follows:

RESOLUTION IN SUPPORT OF
2015 SMART GROWTH GRANT FUNDING APPLICATION

WHEREAS, the Department of Environmental Conservation has issued a Notice of Funding Availability for Adirondack Park Smart Growth Implementation Grants, and

WHEREAS, the Town and Village of Tupper Lake are seeking funding to implement Smart Growth plans developed utilizing 2007 Adirondack Park Smart Growth grant funding, and

WHEREAS, the proposed funding will assist in improving the community's curb appeal from both the community's Scenic Byways and the digital information superhighway; and

WHEREAS the proposed funding will advance the community's revitalization effort by funding essential façade improvements to commercial buildings in the community's core, and

WHEREAS the proposed funding will also advance the community's Destination Master Plan by improving essential digital access to lodging offerings, and

WHEREAS, the Village of Tupper Lake fully supports the proposed projects included in the funding application; and

WHEREAS, the Village of Tupper Lake will support and leverage this project through donation of Codes Enforcement Officer and Municipal Electric Department staff time; and

WHEREAS, this project advances the Vision and the Strategies of the North Country Regional Economic Development Council Strategic Plan by improving the tourism infrastructure and implementing local community revitalization plans.

NOW HERE BE IT RESOLVED:

That the Village of Tupper Lake hereby cosponsors and supports the Town of Tupper Lake's application for 2015 Adirondack Park Smart Growth Implementation Grant funding and will join in partnership in implementing the project.
(Carried 4-0)

Adjournment — Motion by Trustee Richard Donah, seconded by Trustee Thomas Snyder to adjourn the Special Meeting at 4:18 pm. (Carried 4-0)

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Mary A. Casagrain, Village Clerk/Treasurer