

Board of Trustees
Minutes

Date: Tuesday, September 11, 2012
Location: Board Room
Meeting: Special 8:00 – 9:41 PM

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

Call Special Meeting
to Order & Establish
Agenda

Mayor Paul Maroun called the Special Meeting to order and established the agenda at 8:00 am.

Bond Resolution
Issuance of Serial
Bonds for Bucket
Truck

Motion by Trustee LeBlanc, seconded by Trustee Snyder to formally authorize the issuance of serial bonds to finance the purchase of a bucket truck for the Electric Department by adopting the following resolution:

At a regular meeting of the Board of Trustees of the Village of Tupper Lake, Franklin County, New York, duly held at the Village Offices, located at 53 Park Street, Tupper Lake, New York 12986, on September 11, 2012.

PRESENT: Mayor Paul Maroun
Trustee Leon LeBlanc
Trustee Thomas Snyder
Trustee Richard Donah
Trustee Charles Perham

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 \$184,675 IN SERIAL BONDS OF THE VILLAGE TO FINANCE THE ACQUISITION OF ONE BUCKET TRUCK

WHEREAS, the Board of Trustees (the “Board”) of the Village of Tupper Lake, Franklin County, New York (the “Village”) is considering the acquisition of one truck with an hydraulic articulating materials handling aerial device (“a bucket truck”) for use by the Village’s Municipal Electric Department, all at a total estimated cost not to exceed \$184,675; and

WHEREAS, the purchase of said equipment and the financing thereof through the issuance of the Village’s obligations constitutes a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations thereunder (collectively, “SEQRA”), and therefore no further actions or proceedings under SEQRA with respect thereto need be taken by the Board prior to authorizing the issuance of obligations or expenditure of funds for said purchase; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village’s serial bonds or bond anticipation notes 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 undertake the acquisition of one truck with an hydraulic articulating materials handling aerial device (“a bucket truck”) for use by the Village’s Municipal Electric Department (the “Project”) at a maximum cost of \$184,675, said amount is hereby appropriated therefore and the Village is authorized to issue up to \$184,675 principal amount of serial bonds (including, without limitation, statutory installment 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 Project.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$184,675, and the plan for the financing thereof shall consist of the issuance of up to \$184,675 in serial bonds of the Village authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds to finance said appropriation, and the levy and collection of taxes on all the taxable real property in the Village to pay the principal of and interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision 28. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall not 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 Section 1 of this resolution.

SECTION 5. Current funds are not required to be provided prior to the issuance of the bonds authorized by this resolution or any bond anticipation notes issued in anticipation thereof, pursuant to subsection d.5. of Section 107.00 of the Law.

SECTION 6. 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 purpose described in Section 1 of this resolution. The Village shall reimburse such expenditures with the proceeds of the 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 7. 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. 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 8. 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 bond anticipation notes or the renewals of said obligations and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00 and Sections 62.10 and 63.00 of the Law, the powers and duties of the 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 relating 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 of the Village, as the chief fiscal officer of the Village (the "Village Treasurer"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this bond resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Village, then the power of the Board of Trustees to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village.

SECTION 9. The Village 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 Aqualified tax-exempt bonds@in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser 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 11. The intent of this resolution is to give the Village 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 this Board.

SECTION 12. The Village Clerk is hereby authorized and directed to cause a copy of this resolution to be published in full in the official newspaper of the Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

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.

The Village Clerk polled the Board of Trustees as follows:

	<u>AYE</u>	<u>NAY</u>
Mayor Paul Maroun	X	
Trustee Richard Donah	X	
Trustee Leon Leblanc	X	
Trustee Thomas Snyder	X	
Trustee Charles Perham	X	

This bond resolution shall take effect immediately.

Dated: September 11, 2012

STATE OF NEW YORK)
COUNTY OF FRANKLIN) SS.:

I, as the undersigned Clerk of the Village of Tupper Lake, Franklin County, New York, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Clerk of the Village of Tupper Lake, Franklin County, New York (the "Village") and the custodian of the records of the Village, including the minutes of the proceedings of the Board of Trustees (the "Board") of the Village, and am duly authorized to execute this certificate.

2. A regular meeting of the Board was held on September 11, 2012, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

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 \$184,675 IN SERIAL BONDS OF THE VILLAGE TO FINANCE THE ACQUISITION OF ONE BUCKET TRUCK

3. That said meeting was duly convened and held and that said resolution was duly adopted in all respects in accordance with the law and regulations of the Village. 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 Board was present throughout said meeting, and a legally sufficient number of members (2/3's of the Board) voted in the proper manner for the adoption of the resolution. All other requirements and proceedings under the law, said regulations, or otherwise, incident to said meeting and the adoption of the resolution, including the 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 Village and was duly affixed by the undersigned at the time this certificate was signed.

IN WITNESS WHEREOF, I have hereunto set my hand and have hereunto affixed the corporate seal of the Village of Tupper Lake this 11th day of September, 2012.

Mary A. Casagrain, Village Clerk

[SEAL]

(Carried 5-0)

Village/Town Joint
Planning Board
Resignation Robert
Fuller

Mayor Maroun advised the board that Mr. Robert Fuller would be resigning from his position on the Village/Town Joint Planning Board in the coming week and that we should be thinking about an alternative to serve on the board. He advised we'd make an appointment at our monthly meeting following receipt of Mr. Fuller's resignation letter.

Amell Lane Road
Conveyance Discussion

Mayor Maroun advised he, Department of Public Works Superintendent Michael Sparks and Amell Lane road owner Mr. Roger Amell met last week to inspect the road and to discuss the feasibility of the Village taking ownership of the road.

Superintendent Sparks would be presenting at our monthly meeting a summary of the costs associated with bringing the road to our specification for acceptance.

It was suggested that Water/Wastewater Superintendent Mark Robillard and Code Enforcement Officer Peter Edwards dye test the homes in the development to inspect the cellar pumps that may exist on the street that are connected to our sewer system.

Enter Executive
Session

Motion by Trustee LeBlanc, seconded by Trustee Snyder to enter Executive Session at 8:20 am to discuss collective bargaining negotiations for Unit I, II & III and personnel issues for the W/WW and Electric Departments. (Carried 5-0)

Continued CSEA
Negotiations/Impasse
Declared

It was noted that all three collective bargaining units have declared impasse and have filed with NYS PERB. A mediator has been appointed.

After discussing our alternatives to proceed, it was the general consensus to refer the matter to our legal council with Girvin, Ferlazzo, P.C. for direction.

Electric Personnel
Disciplinary Issue
Discussed

An electric department employee's use of sick leave was discussed at length.

Water/Wastewater
Personnel Disciplinary
Issue Discussed

A water/wastewater department employee's job performance was discussed at length.

Exit Executive
Session

Motion by Trustee Perham, seconded by Trustee Snyder to exit Executive Session at 9:40 am. (Carried 5-0)

Ball Park Lighting
Structures

Motion by Trustee Snyder, seconded by Trustee Donah to authorize the Village of Tupper Lake to proceed with accepting a proposal from Armor Tower Inc. to complete a structural analysis of our lighting structures at the Municipal Ball Park at a quoted cost of \$6,850.00. (Carried 5-0)

Scheduled Power
Outage

As a reminder it was noted that there would be a scheduled power outage planned for Sunday, September 16, 2012 from 6:00 am to 9:00 am to perform substation upgrades.

Adjournment

Motion by Trustee Perham, seconded by Trustee LeBlanc to adjourn at 9:41 pm. (Carried 5-0)

Mary A. Casagrain, Village Clerk/Treasurer