Village of Tupper Lake
Board of Trustees
Minutes

Date:	February 19, 2020
Location:	Board Room
Meeting:	Regular Monthly 6:00-6:45 PM
	At the Regular Meeting of the Board of Trustees held this date, the following were present: Mayor Paul A. Maroun, Trustees Leon LeBlanc, David Maroun, Clint Hollingsworth and Village Clerk/Treasurer Mary A. Casagrain.
	Absent from the Monthly Meeting was Trustee Ronald LaScala.
	Also present were Electric Superintendent Michael Dominie, Code Enforcement Officer Peter Edwards, Department of Public Works Superintendent Robert Degrace, Fire Department Chief Royce Cole, residents James Lanthier and Jan Yaworski and News Reporters Dan McClelland and Aaron Cerbone.
Call Regular Meeting To Order and Agenda Established	Mayor Maroun called the Regular Meeting to order and established the agenda at 6:00 pm.
Pledge & Moment Of Silence	Pledge of allegiance to the flag and a moment of silence and prayer for the safe return of missing teen Colin Gillis.
Open Comment Period: Dan McClelland Mammy Villeneuve	News Reporter Dan McClelland asked if we ever found a picture of Mammy Villeneuve's memorial sign.
	Village Clerk/Treasurer Mary A. Casagrain advised that we have reached out the family to inquire if they might have a picture of it.
River Pig Schedule	News Reporter Dan McClelland also asked about the River Pig Baseball Schedule.
	Trustee Maroun advised that it should be coming.
Public's Comments Draft Design Waterfront Park Improvements	As a courtesy reminder the Village is seeking the public's input on our Draft Design of our planned Waterfront Park Improvements next Tuesday, February 25, 2020 from 3-6:00 pm in our courtroom, all are welcomed.
Home Rule Request	Motion by Trustee LeBlanc, seconded by Trustee Hollingsworth to approve Home Rule Request for Senate Bill S.1942/Assembly Bill A.1602 authorizing the employment of retired members of the division of state police as part-time police officers in certain villages in the county of Franklin. (Carried 4-0)
Board Minutes Approved	Motion by Trustee Maroun, seconded by Trustee Hollingsworth to approve the board minutes from January 15, 2020 and January 24, 2020's meetings respectively. (Carried 4-0)
Code Enforcement: Accept January Monthly Report	Motion by Trustee Hollingsworth seconded by Trustee Maroun to approve the January 2020 Monthly Code Report and the 2019 Annual Code Report respectively. (Carried 4-0)

Court:

JCAP Grant Received — Motion by Trustee LeBlanc, seconded by Trustee Maroun to formally acknowledge and accept a Justice Court Assistance Program grant in the amount of $19,102.52 as proposed for our justice court improvements. (Carried 4-0)

Temporary Relocation ESB Dispatch Room — Motion by Trustee LeBlanc, seconded by Trustee Maroun to formally authorize the relocation of our Village Court Clerk during court room construction to the Police Department Dispatch Room and Community Room respectively. (Carried 4-0)

Police:

Accept January Monthly Report — Motion by Trustee LeBlanc, seconded by Trustee Maroun to approve the January 2020 Monthly Police Report for the Village and Town of Tupper Lake. (Carried 4-0)

Table Designed Police Parking at Church — Mayor Maroun tabled discussion concerning re-establishing a designated Police Parking space at the St. Alphonsus Church.

2008 Dodge Durango Bid Accepted — Motion by Trustee Maroun, seconded by Trustee LeBlanc to formally accept a bid of $720.00 for the sale of the 2008 Dodge Durango from Auctions International. (Carried 4-0)

Meal Allowance Police School Attendees — Motion by Trustee Hollingsworth, seconded by Trustee Maroun to formally increase the weekly meal allowance from $100 to $125 for our police school attendees. (Carried 3-1, Trustee LeBlanc "Abstained")

Fire:

Accept January Monthly Report — Motion by Trustee Hollingsworth, seconded by Trustee Maroun to approve the January 2020 Monthly Fire Report. (Carried 4-0)

Membership Request — Mayor Maroun advised that membership is down and they are accepting applications at this time. They currently have 47 members.

Jesse Weigand Membership — Motion by Trustee Maroun, seconded by Trustee Hollingsworth to formally accept Ms. Jesse Weigand's membership to the Volunteer Fire Department. (Carried 4-0)

1983 Pierce Counter Offer — It was noted that the 1983 Pierce Fire Truck only fetched $1,650 on the auction block and the board felt we should counter offer a request of $5,000 to see what the highest bidder might come back with. Tabled award at this time.

DPW:

Winter Snow Removal — Department of Public Works Superintendent Robert Degrace reported that they are picking up snow and plugging away at the accumulation.

W/WW:

Restated Bond Resolution Additional $2 Million — Motion by Trustee Maroun, seconded by Trustee Hollingsworth to formally approve a restated bond resolution for the necessary Water System Improvements as follows:

At a regular meeting of the Board of Trustees of the Village of Tupper Lake, Franklin County, New York, held at the Village of Tupper Lake Village Hall, 53 Park Street, Tupper Lake, New York 12986, on February 19, 2020.

PRESENT: Mayor Paul A. Maroun
Trustee Leon LeBlanc
Trustee David Maroun
Trustee Clint Hollingsworth

ABSENT: Trustee Ronald LaScala

The following resolution was offered by Trustee David Maroun, who moved its adoption, seconded by Trustee Clint Hollingsworth, to-wit:

THIRD AMENDED AND RESTATED BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUPPER LAKE, FRANKLIN COUNTY, NEW YORK (THE "VILLAGE"), AMENDING AND RESTATING IN ITS ENTIRETY THE BOND RESOLUTION OF THE VILLAGE DATED MARCH 19, 2012 AS PREVIOUSLY AMENDED AND RESTATED BY AN AMENDED AND RESTATED BOND RESOLUTION DATED MARCH 4, 2016, AS FURTHER AMENDED AND RESTATED BY A SECOND AMENDED AND RESTATED BOND RESOLUTION DATED AUGUST 16, 2017, AS AMENDED BY AN AMENDING RESOLUTION DATED OCTOBER 22, 2018, AND AUTHORIZING THE ISSUANCE OF UP TO $9,000,000 IN SERIAL BONDS OR BOND ANTICIPATION NOTES OF THE VILLAGE TO FINANCE THE COST OF CONSTRUCTION AND INSTALLATION OF A REPLACEMENT GROUND WATER SOURCE AND ASSOCIATED TREATMENT AND TRANSMISSION FACILITIES

WHEREAS, the Board of Trustees (the "Board") of the Village of Tupper Lake, Franklin County (the "Village" or "Tupper Lake"), by a Bond Resolution adopted on March 19, 2012 (the "Original Bond Resolution"), previously authorized the issuance of $3,500,000 in serial bonds of the Village to finance the estimated cost of the replacement of its potable water source and construction of a ground water source, including (i) installation of two (2) production wells on the grounds of the Village's existing wastewater treatment plant, located on Water Street (each, a "Production Well"), (ii) construction of two (2) treatment and control buildings to be located at the site of each Production Well (collectively, the "Buildings"); (iii) construction and installation of a twelve-inch transmission main from the Buildings to the existing water main on Demars Boulevard; and (iv) including any ancillary or related work required in connection therewith, including the acquisition of equipment and furnishings, machinery, apparatuses, appurtenants, and any engineering and other preliminary costs, legal expenses and other costs incidental to the financing thereof (the "Original Project"); and

WHEREAS, the Original Project was being undertaken by the Village in response to and in compliance with a State of New York Department of Health ("DOH") Administrative Tribunal Stipulation, dated April 13, 2010, as amended to date (Docket No. 20100192) (the "2010 Consent Order"), which 2010 Consent Order identified a violation of applicable DOH regulations and required the Village to undertake certain specified actions towards completion of capital improvements to the Village's water supply system, consisting of upgrades to the Village's filtration plant or replacement of the filtration plant with a new groundwater source of supply (the "DOH Mandated Corrective Actions"); and

WHEREAS, subsequent to the adoption of the Original Bond Resolution, the Village Board learned that the capital improvements to be undertaken as part of the Original Project would not be adequate to develop a replacement potable water source, as required by the 2010 Consent Order; and

WHEREAS, by resolution adopted on March 4, 2016 (the "First Amended Bond Resolution"), the Village Board amended and restated the Original Bond Resolution in its entirety for the purposes of (i) increasing the amount of serial bonds authorize to be issued thereunder from $3,500,000 to $6,500,000, and (ii) modifying the capital improvements to be undertaken to the Village's water supply system to comply with the 2010 Consent Order and the 2016 Consent Order (as hereinafter defined), in accordance with the recommendations set forth in the "Preliminary Engineering Report for Potable Groundwater Supply & Water Distribution System Improvements", dated September 2014 (the "Engineer's Report"), prepared for the Village by Capital Consultants, Inc. (d.b.a. Capital Consultants Architecture and Engineering, Inc.), which recommended improvements consisting of the following: (a) the installation of two (2) new production wells, to be situated on a parcel owned by Lyme Adirondack Timberlands I LLC, located near Pitchfork Pond (Tax Map Parcel 469-1-1) (the "Lyme Adirondack Timberlands Property"); (b) the construction of a well station building to house such production wells (the "Well Station Building"); (c) the construction and installation of a new three-phase electric transmission service line along Kildare Road and across the Lyme Adirondack Timberlands Property to the Well Station Building, (d) the construction of a new booster pump station, (e) the construction and installation of approximately 23,000 linear feet of new water main, including new 12-inch transmission main, along Kildare Road in the Town of Tupper Lake (the "Town"), and the replacement, upgrade and looping of 8-inch water main along McLaughlin Avenue and various other roads within the Town and the Village, and (f) all ancillary and related work in connection therewith, including the acquisition of lands or easements or rights of way therein, installation of fire hydrants and valves, road restoration, the acquisition of equipment, machinery, apparatus and furnishings, and all engineering and preliminary costs, legal expenses, and other costs incidental thereto or the financing thereof (collectively, the "Project"); and

WHEREAS, the Project is being undertaken in response to both the 2010 Consent Order and a separate DOH Administrative Tribunal Stipulation, dated February 22, 2016 (Docket No. 20160131) (the "2016 Consent Order"), which 2016 Consent Order identified an additional violation of applicable DOH regulations and require the Village to undertake the DOH Mandated Corrective Actions; and

WHEREAS, by resolutions dated September 21, 2015 and October 19, 2015, the Village Board determined that (i) the actions and improvements included in the Project constitute a "Type I" action pursuant to the provisions of the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617) (collectively, "SEQRA"), (ii) the Village Board assumed lead agency status for purposes of conducting a coordinated review of the Project for purposes of SEQRA, (iii) the Project will not result in any significant adverse environmental impacts, and (iv) a "negative declaration" has been issued and circulated, in accordance with the requirements of SEQRA; and

WHEREAS, subsequent to the adoption of the First Amended Bond Resolution, the bid amounts to complete the work the Village contemplated is necessary to satisfy the Village's obligations under the Consent Orders and to provide a safe and convenient water supply and distribution system that works in the best interests of the residents of the Village exceeded the Village's authority to borrow and spend pursuant to the Original Bond Resolution, as amended and restated by the First Amended Bond Resolution; and

WHEREAS, by resolution adopted on August 16, 2017 (the "Second Amended Bond Resolution"), the Village Board amended and restated the Original Bond Resolution, as previously amended and restated by the First Amended Bond Resolution, in its entirety for the purpose of increasing both the estimated maximum cost of the Project and the amount of serial bonds authorized to be issued thereunder from $6,500,000 to $7,000,000; and

WHEREAS, by resolution adopted on October 22, 2018 (the "2018 Amending Resolution"), the Village Board amended the Second Amended Bond Resolution for the purpose of (i) increasing the estimated maximum cost of the Project (but not the authorized amount of the bonds to be issued for the Project) by $1,500,000 from $7,000,000 to $8,500,000, and (ii) revising the plan of finance with respect to the Project to include up to $3,000,000 in grant funds expected to be received by the Village (the Original Bond Resolution, as amended and restated by each of the First Amended Bond Resolution and the Second Amended Bond Resolution as amended by the 2018 Amending Resolution, being hereinafter referred to as the "Bond Resolution"); and

WHEREAS, the Village Board has learned that the estimated cost of the Project has increased from $8,500,000 to $10,500,000, as a result of the expected $2,000,000 additional cost associated with the installation of water meters; and

WHEREAS, the Board now intends to amend and restate the Bond Resolution in its entirety to (i) increase the estimated maximum cost of the Project by $2,000,000 from $8,500,000 to $10,500,000, and (ii) increase the amount of serial bonds authorized to be issued thereunder from $7,000,000 to $9,000,000.

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), TO AMEND AND RESTATE THE BOND RESOLUTION IN ITS ENTIRETY, TO READ AS FOLLOWS:

SECTION 1. The Village is hereby authorized to issue up to $9,000,000 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 cost of the Project.

SECTION 2. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is $10,500,000, said amount is hereby appropriated therefore, and the plan for the financing thereof shall consist of (i) the issuance by the Village of up to $9,000,000 in serial bonds to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, (ii) the application of up to $3,000,000 in grant funds expected to be received by the Village from the State or Federal governments or from New York State Environmental Facilities Corporation to pay or reimburse costs of the Project (including the possible repayment of bond anticipation notes issued to finance such costs), and (iii) to the extent necessary, the levy and collection of taxes on all of the taxable real property in the Village to pay the principal of its bonds and the interest thereon as the same shall be due and payable.

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 purpose described in this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 2 of this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized by Section 1 hereof 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 any bond anticipation notes issued in anticipation of said bonds issued pursuant to Section 1 of 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 without legal or constitutional limitation as to rate or amount. 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 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, 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 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 Village Treasurer, as the chief fiscal officer of the Village.

SECTION 7. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation 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 object or purpose 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 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 "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Village Treasurer is further authorized to enter into 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 10. 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 affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this Board.

SECTION 11. 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 the publication undertaken in accordance with Section 12 hereof; or

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

SECTION 12. The Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in 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.

The Village Clerk polled the Board of Trustees as follows:

	AYE	NAY
Mayor Paul A. Maroun	X	
Trustee Leon LeBlanc	X	
Trustee David Maroun	X	
Trustee Clint Hollingsworth	X	

(Carried 5-0)

Water Meter Installs

Mayor Maroun reported that water meters will be starting up again in April, we still have about 270 easement agreements that haven't been completed. A final mailing will be hand delivered.

PPG USDA Grant Acceptance

Motion by Trustee Hollingsworth, seconded by Trustee Maroun to formally acknowledge and accept a Predevelopment Planning Grant (PPG) from USDA for the cost of a Preliminary Engineering Report (PER) and Environmental Report (ER) for additional water sources as proposed. (Carried 4-0)

WWTP & Collection Improvement Bid

As a courtesy reminder the WWTP & Collection Improvement Bid opening is scheduled for this Friday, February 21, 2020 at 11:00 am.

Coordinated Black Topping with NYS

Mayor Maroun noted that the necessary black topping for this project will be coordinated with NYS DOT.

Electric:

Murnane Change Order No. 12

Motion by Trustee Maroun, seconded by Trustee Hollingsworth to formally approve a change order for the Municipal Electric Garage Project with Murnane GC-12 for an increase of $3,179.87 for overhead door and door jambs as proposed. (Carried 4-0)

Write Off Deceased Customer Balance

Motion by Trustee Maroun, seconded by Trustee Hollingsworth to write off a balance in the amount of $53.67 for a deceased customer. (Carried 4-0)

LaFayette Street Poles

Electric Superintendent Michael Dominie reported that they are replacing poles on Lafayette Street and continuing to install LED Street Lights.

911 Dispatching Update

It was noted that Franklin County 911 is now dispatching for the Electric Utility instead of Contact Paging.

Treasurer:

Approve Warrant

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to approve the February 19, 2020 warrant in the amount of $505,585.83 for payment of the bills and abstracts for the month of January 2020. (Carried 4-0)

Review Cash Position

Review the monthly cash position for January 31, 2020.

General Fund FYE Budget Transfers f 5/31/2019

Motion by Trustee LeBlanc, seconded by Trustee Maroun to formally approve fiscal year end budget transfers for the General Fund in the amount of $262,823.16 as proposed. (Carried 4-0)

Into Executive Session	Motion by Trustee LeBlanc, seconded by Trustee Maroun to enter Executive Session at 6:32 pm for the purpose of discussing the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation. (Carried 4-0)
Exit Executive Session	Motion by Trustee LeBlanc, seconded by Trustee Maroun to exit Executive Session at 6:44 pm. (Carried 4-0)
Adjournment	Motion by Trustee LeBlanc, seconded by Trustee Maroun to adjourn at 6:45 pm. (Carried 4-0)

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Mary A. Casagrain, Village Clerk/Treasurer