

**Village of Tupper Lake  
Board of Trustees  
Minutes**

Date: Friday, March 4, 2016  
Start: 4:00 PM  
Location: Board Room  
Meeting: Special Meeting 4:15–4:46 PM

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

Call to Order and Agenda Established Mayor Maroun called the Special Meeting to order and established the agenda.

**NYS DOH  
Administrative Tribunal  
Review & Signing** Motion by Trustee LaScala, seconded by Trustee Snyder to ratify authorization for Mayor Maroun to execute the State of New York Department of Health Administrative Tribunal for the Tupper Lake filtration plant received on February 23, 2016 and signed on February 29, 2016. (Carried 5-0)

**US EPA Administrative  
Order Review** The Village Board of Trustees formally reviewed the United States Environmental Protection Agency Administrative Order received on February 29, 2016 concerning our Tupper Lake filtration plant.

**Amend and Restated  
Bond Resolution  
\$6.5 M for Ground  
Water Source & Associated  
Treatment & Transmission  
Facilities** Motion by Trustee Snyder, seconded by Trustee LaScala to authorize an amended and restated bond resolution in the amount of \$6.5 Million for the construction and installation of a replacement ground water source and associated treatment and transmission facilities for our ground water supply project as follows:

At a special meeting of the Board of Trustees of the Village of Tupper Lake, Franklin County, New York, held at the Village Hall, 53 Park Street, Tupper Lake, New York, 12986, on March 4, 2016.

**PRESENT:** Mayor Paul A. Maroun  
Trustee Thomas Snyder  
Trustee David Maroun  
Trustee Leon LeBlanc  
Trustee Ronald LaScala

**ABSENT:**

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

**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 AND AUTHORIZING THE ISSUANCE OF UP TO \$6,500,000 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, appurtenances, 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, the Village Board has 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, the Village now intends to modify 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, 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” shall be issued and circulated, in accordance with the requirements of SEQRA; 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 requires the Village to undertake the DOH Mandated Corrective Actions; and

WHEREAS, the Board now intends to amend and restate the Original Bond Resolution in its entirety pursuant to the terms of this resolution for the purpose of, among other things, (a) revising the improvements to be made to the Village’s potable water supply system to include all of the improvements included in the Project; and (b) increasing the amount of serial bonds authorized to be issued thereunder from \$3,500,000 to \$6,500,000.

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 ORIGINAL BOND RESOLUTION IN ITS ENTIRETY, TO READ AS FOLLOWS:

SECTION 1. The Village is hereby authorized to issue up to \$6,500,000 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. It is hereby determined that the maximum estimated cost of the aforementioned specific objects or purposes is \$6,500,000, 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 \$6,500,000 in serial bonds to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation thereof, to finance said appropriation, (ii) the application of any grant funds expected to be received by the Village with respect to the Project, and (iii) the levy and collection of taxes on all 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 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.

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 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 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 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:

AYES:

Mayor Paul A. Maroun  
Trustee Thomas Snyder  
Trustee David Maroun  
Trustee Leon LeBlanc  
Trustee Ronald LaScala

NAYS:

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

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

- 1. I am the duly qualified and acting Clerk of the Village and the custodian of the records of the Village, including the minutes of the proceedings of the Board of Trustees of the Village (the "Board"), and am duly authorized to execute this certificate.
- 2. A special meeting of the Board was held on March 4, 2016, and attached hereto is a true and correct copy of a resolution duly adopted at such meeting and entitled:

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 AND AUTHORIZING THE ISSUANCE OF UP TO \$6,500,000 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

- 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 of Trustees was present throughout said meeting, and a legally sufficient number of members (2/3's of the Board of Trustees) 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. Public Notice of the time and place of said Meeting was duly posted and duly given to the public and the news media in accordance with the Open Meetings Law, constituting

Chapter 511 of the Laws of the State of New York, and that all members of said Village Board had due notice of said Meeting and that the Meeting was in all respects duly held and a quorum was present and acted throughout.

5. 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 4<sup>th</sup> day of March, 2016.

[SEAL]

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Mary A. Casagrain, Village Clerk

(Carried 5-0)

Water/Wastewater  
Agreement Between  
Village/Town of TL and  
ACR for Water & Wastewater  
Improvements & Technical  
Services Agreement  
With DANC

Motion by Trustee LaScala, seconded by Trustee Snyder to authorize Mayor Maroun to execute a Water and Wastewater agreement between the Village of Tupper Lake and Town of Tupper Lake and the Adirondack Club and Resort for Water and Wastewater Improvement Projects and to also authorize him to execute a similar agreement with Development Authority of the North Country for technical services for Sewer System Capital Improvement Project for the Village and Town of Tupper Lake.  
(Carried 5-0)

Facility Use  
Authorization

Motion by Trustee Snyder, seconded by Trustee LaScala to authorize the following Facility Use Requests as follows:

- TL Hockey Association's use of the ESB Community Room for a youth hockey banquet for squirts and pee-wee teams on Friday, March 4, 2016 from 5:30 pm to 8:00 pm.
- Girl Scouts of Northeastern New York's use of the ESB Community Room for a Girl Scouts of Northeastern New York recruitment/girl scout experience on Sunday, March 6, 2016 from 12:Noon to 4:00 pm.
- TL Republican Party's use of the ESB Community Room to host a monthly republican committee meeting on Tuesday, March 8, 2016 from 7:00 pm to 8:30 pm.
- Royce Cole's use of the ESB Community Room to host his son's birthday party on Saturday, March 19, 2016 from 2:00 pm to 5:00 pm.
- Lumberjack 10& Under Baseball's use of the Demars Blvd. Municipal Park on Tuesdays and Thursdays during the summer months from 4:30 pm to 6:00 pm once weather permits. (Town of TL will be sponsoring them)
- Jonn Kopp's use of the ESB Community Room to host an initial organizational meeting for the formation of a Youth Community Engagement Coalition on Wednesday, March 16, 2016 from 5:00 pm to 8:00 pm.  
(Carried 5-0)

Enter Executive  
Session 4:20 PM

Motion by Trustee Snyder, seconded by Trustee LaScala to enter into Executive Session at 4:20 pm to discuss collective negotiations pursuant to Article 14 of the Civil Service Law (the Taylor Law); and the employment history of a particular person(s) leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person(s). (Carried 5-0)

Unit III CSEA Electric  
Contract Mediation  
Update

Mayor Maroun and Trustee Snyder gave a brief update on the recent Mediation with Unit III CSEA Electric Department and advised of their third scheduled meeting for Monday, March 21, 2016 at 10:00 am.

Electric Line  
Helper/Worker  
Vacancy

After a brief discussion concerning the hiring of a replacement Electric Line Helper to fill the vacancy in the Municipal Electric Department it was so moved by Trustee LaScala, seconded by Trustee Snyder to appoint Mr. Chad Montana at the recommendation of Electric Superintendent Marc Staves to a starting 4<sup>th</sup> year apprentice position as an Electric Line Helper at an annual salary of \$43,953.31 effective April 4, 2016. (Carried 5-0)

Shadow Day  
Participation  
March 17, 2016

It was noted that the various department will be participating in the Tupper Lake Central School Shadow Day for the 8<sup>th</sup> Graders on Thursday, March 17, 2016.

Exit Executive  
Session 4:45 PM

Motion by Trustee LaScala, seconded by Trustee Snyder to exit Executive Session at 4:45 pm. (Carried 5-0)

Adjournment

Motion by Trustee Snyder, seconded by Trustee Maroun to adjourn the Special Meeting at 4:46 pm. (Carried 5-0)

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Mary A. Casagrain, Village Clerk/Treasurer