

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

Date: March 18, 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 Ronald LaScala, David Maroun, Clint Hollingsworth and Village Clerk/Treasurer Mary A. Casagrain.

Absent from the Monthly Meeting was Trustee Leon LeBlanc.

Also present were Police Officer Brandon Duchaine 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: Mayor Maroun started the meeting by asking the board for a motion to formally waive any late penalties for the month of March 2020. Motion was made by Trustee Maroun, seconded by Trustee LaScala to formally waive any interest penalties on electric, water and sewer payments for the month of March 2020 as requested. (Carried 4-0)

COVID-19 Senior  
Citizen Initiatives Mayor Maroun advised that those seniors or individuals in quarantine that are in need of meals or food delivered to their homes can reach out to the Adirondack Adult Center to meet those needs. They have around 40 volunteers that have stepped up to offer their time to help those in need out to please reach out to Mr. Ray Bigrow the Adult Center Executive Director.

Board Minutes  
Approved Motion by Trustee LaScala, seconded by Trustee Hollingsworth to approve the board minutes from February 19, 2020, February 25, 2020 and March 14, 2020's meetings respectively. (Carried 4-0)

Excused Absence  
Trustee LeBlanc Mayor Maroun also announced that Trustee LeBlanc is excused from the meeting because he is under the weather.

Code Enforcement:  
Accept February  
Monthly Report Motion by Trustee Maroun seconded by Trustee LaScala to approve the February 2020 Monthly Code Report. (Carried 4-0)

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

Fire:  
Accept February  
Monthly Report Motion by Trustee LaScala, seconded by Trustee Hollingsworth to approve the February 2020 Monthly Fire Report. (Carried 4-0)

**Commend Fire**

**Department** Mayor Maroun commended the Fire Department for the recent save at the Reandeu home on Emma Street, 20+ members attended the fire.

**DPW:**

**Shared Services Agreement – Franklin County**

Motion by Trustee Maroun, seconded by Trustee LaScala to authorize Mayor Maroun to execute a Shared Services Agreement with the County of Franklin as presented. (Carried 4-0)

**W/WW:**

**Restated Bond Resolution Additional \$3 Million EFC Funding for Wastewater Treatment Project**

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to formally approve an amended and restated bond resolution for the additional \$3.0 Million in EFC Funding for our Wastewater Treatment Improvement Project as a result of the bids received on February 21, 2020 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 Hall, 53 Park Street, Tupper Lake, New York 12986, on March 18, 2020.

**PRESENT:**

Mayor Paul A. Maroun  
Trustee Ronald LaScala  
Trustee Clint Hollingsworth  
Trustee David Maroun

**ABSENT:**

Trustee Leon LeBlanc

The following resolution was offered by Trustee Ronald LaScala, who moved its adoption, seconded by Trustee Clint Hollingsworth, 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 A BOND RESOLUTION OF THE VILLAGE DATED MARCH 21, 2018, RELATING TO THE VILLAGE’S SEWAGE COLLECTION SYSTEM; ESTIMATING THAT THE TOTAL COST THEREOF IS \$9,421,578; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$9,421,578 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION**

WHEREAS, the Board of Trustees (the “Board”) of the Village of Tupper Lake, Franklin County, New York (the “Village”), by a bond resolution adopted on March 21, 2018 (the “Original Bond Resolution”) authorized the issuance of serial bonds and bond anticipation notes of the Village in the principal amount of \$6,421,578 to finance certain improvements to the Village’s sewage collection system, such improvements consisting of (i) pumping capacity upgrades in the Demars Boulevard Pump Station #3, (ii) the installation of a parallel 18” force main downstream of Pump Station #3, (iii) upgrades to the interceptor sewer along NYS Route 3 and Water Street to the waste water treatment plant, (iv) improvements to the waste water treatment plant, consisting of the conversion to a liquid chlorine disinfection and dechlorination system, influent raw waste water treatment pump and control building upgrades, the reconstruction and installation of clarifiers and clarifiers and the installation of a new Supervisory Control and Data Acquisition (SCADA) system, and (v) all appurtenant and related facilities related to the foregoing, including site improvements, original furnishings, equipment, machinery, apparatus and other improvements incidental thereto (collectively, the “Original Project”);

WHEREAS, by resolutions adopted on October 3, 2016 and December 12, 2016, the Board: (i) declared itself lead agency for purposes of conducting an environmental review of undertaking the proposed improvements to be included within the system, in accordance with the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617) (collectively, “SEQRA”); (ii) determined that the undertaking of such improvements constituted a “Type I” action within the meaning of SEQRA; and (iii) determined that the actions to be taken in connection with the proposed improvements would not cause significant adverse impact on the environment and issued a “Negative Declaration” to such effect in accordance with the provisions of SEQRA; and

WHEREAS, the Village has learned that, due to increases in certain construction costs, the estimated maximum cost of the Project has increased from \$6,421,578 to \$9,421,578; 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 (i) increasing the maximum estimated cost of the Project from \$6,421,578 to \$9,421,578; (ii) appropriating said increased amount; (iii) increasing the maximum principal amount of bonds authorized thereunder to finance the cost of the Project from \$6,421,578 to \$9,421,578; and (iv) restating the plan of finance set forth therein.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF TUPPER LAKE, FRANKLIN COUNTY, NEW YORK (the "Village") 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 undertake the Project as hereinabove described and issue up to \$9,421,578 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 said specific object or purpose, or bond anticipation notes in anticipation of the such bonds.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$9,421,578, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$9,421,578 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, 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 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 4. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. 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 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 6. 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 7. 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 Village Treasurer, as the chief fiscal officer of the Village (the "Village Treasurer"). Such notes shall be of such terms, form and contents as may be prescribed by said Village 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 contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Village Treasurer. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this 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 this Village Board, then the power of the Village Board 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 8. 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 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, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

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 "qualified 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 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 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 affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. 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 13. 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 14. 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 15. 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 following vote was taken and recorded in the public or open session of said meeting:

	AYE:	NAY:
Mayor Paul A. Maroun	X	
Trustee Ronald LaScala	X	
Trustee Clint Hollingsworth	X	
Trustee David Maroun	X	

(Carried 4-0)

**Water Hydrant  
Flushing**

Trustee LaScala announced that the Water Department are continuing to flush hydrants to alleviate the dirty water conditions from the well redevelopment process recently completed at the new well site. In addition he expects work to begin on a new test well and expect the water results in the coming months.

**Electric:**

**MRB Group**

**Contract Extension** motion by Trustee Hollingsworth, seconded by Trustee LaScala to formally approve contract extension for our Municipal Electric Garage project with MRB Group as proposed for an additional \$25,000.00. (Carried 4-0)

**Murmane Change Order**

**No. 13** Motion by Trustee LaScala, seconded by Trustee Maroun to formally approve a change order for the Municipal Electric Garage Project with Murmane GC-13 for an increase of \$8,349.00 for overhead door size adjustment as proposed. (Carried 4-0)

**Treasurer:**

**Approve Warrant** Motion by Trustee LaScala, seconded by Trustee Maroun to approve the March 18, 2020 warrant in the amount of \$352,357.10 for payment of the bills and abstracts for the month of February 2020. (Carried 4-0)

**Set Special Meeting &**

**Local Law #1-2020**

**Public Hearing**

**March 30, 2020**

Motion by Trustee Hollingsworth, seconded by Trustee Maroun to set Monday, March 30, 2020 at 5:00 pm for a Special Meeting for the presentation of the FY2020-21 Tentative Budget and a Public Hearing to adopt Local Law #1-2020 to authorize a Tax Levy Limit Override established by General Municipal Law 3-c. (Carried 4-0)

**Budget Public Hearing**

**April 15, 2020**

Motion by Trustee Hollingsworth, seconded by Trustee LaScala to set a Budget Public Hearing for Wednesday, April 15, 2020 at 5:00 pm to hear the public's comments on the FY2020-21 tentative budget before our monthly regular meeting. (Carried 4-0)

**Review Cash**

**Position**

Review the monthly cash position for February 29, 2020.

**Free Conference**

**Call.com**

It was noted that we have established a Free Conference Call.com account and future meetings can be heard by the public and department heads as we face the COVID-19 Pandemic.

Mayor Maroun announced that we have ordered hand sanitizer and expect its arrival on March 23<sup>rd</sup>, 2020 from a private supplier in Saranac Lake.

Mayor Maroun also advised they are monitoring bars and restaurants and Melissa McManus is reaching out to small businesses to see if they qualify for assistance through the governor's small business initiatives. He and the board also thanked the Superintendent of Schools Mr. Seth McGowan and his staff for the care given to our children preparing meals and school work etc.

Carl Steffen  
Emergency Services  
Coordinator

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to re-appoint Mr. Carl Steffen to the position of Emergency Services Coordinator for the Village of Tupper Lake. (Carried 4-0)

Mayor Maroun and the Board of Trustees also thanked him for his efforts following the Governor's and the President's orders as they become available.

#### Other COVID-19

##### Initiatives:

Mayor Maroun advised he has suspended all vacations for village employees and limited staff to half.

Trustee LaScala also recommended that residents use telemedicine features that are available through most insurance plans to as not to over tax the healthcare facilities. He also encouraged residents to check on their elderly neighbors.

#### Close Playgrounds & Courts

Motion by Trustee Maroun, seconded by Trustee LaScala to close the playgrounds and courts until further notice. (Carried 4-0)

#### Adjournment

Motion by Trustee Maroun, seconded by Trustee LaScala to adjourn at 6:45 pm. (Carried 4-0)

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Mary A. Casagrain, Village Clerk/Treasurer