

Village of Tupper Lake
Board of Trustees
Minutes

Date: Wednesday, August 21, 2019
Location: Board Room
Meeting: Regular Monthly 6:00-7:10 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, Police Chief Eric Proulx, Water/Wastewater Superintendent Mark Robillard, Department of Public Works Superintendent Robert Degrace, W/WW Engineer with C2AE Kevin Feuka, Fire Chief Royce Cole, residents Rita Quinn and James Lanthier 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:
James Lanthier

Mr. James Lanthier advised the board that he still has concerns with the two dollar store exterior signs and feels we can be more proactive in getting them to comply.

Rita Quinn

Mrs. Rita Quinn was present to offer her objection to the “River Pigs” naming of a professional ball team to be representative of our heritage. She felt the name would be huge step backwards in light of all the positive advances the community has made.

Police:

Accept July
Monthly Report

Motion by Trustee Hollingsworth, seconded by Trustee Maroun to approve the July 2019 Monthly Police Report for the Village and Town of Tupper Lake. (Carried 4-0)

Touch A Truck
9/15/19 11-2:00 pm

It was noted that the annual “Touch a Truck” event has been moved to Sunday, September 15, 2019 to accommodate for the “Rock the Arc’s” event scheduled for Saturday, September 14, 2019.

Jordan Nason
Permanent Appointment
Police Sergeant

Motion by Trustee Maroun, seconded by Trustee LeBlanc to permanently appoint Mr. Jordan Nason to the position of Police Sergeant upon his successful passing of the Police Sgt. Civil Service examination. (Carried 4-0)

Fire:
Accept July
Monthly Report

Motion by Trustee Maroun, seconded by Trustee Hollingsworth to approve the July 2019 Monthly Fire Report. (Carried 4-0)

Apology
Missed Meetings
Chief of Police Royce Cole took a moment to apologize for his absence from a few of the last monthly meetings.

Santa Clara Open House
Chief of Police Royce Cole advised the board that they hosted an Open House at the Santa Clara Fire District for the local residents of that fire district over the weekend and it was warmly accepted.

Thomas M. Arsenault & Joanne Maroun Housing Authority Appointments
Motion by Trustee LeBlanc, seconded by Trustee Hollingsworth to appoint Mr. Thomas M. Arsenault and Ms. Joanne Maroun to a 5-year term each on the Village of Tupper Lake Housing Authority Board, it was noted that Ms. Joanne Maroun was replacing Mr. Stuart Diehl as a resident Board of Director. (Carried 4-0)

Board Minutes Approved
Motion by Trustee Maroun, seconded by Trustee Hollingsworth to approve the board minutes from July 17, 2019 and August 6, 2019, respectively. (Carried 4-0)

Zerbini Family Circus 8/21 & 8/22
It was noted that the Zerbini Family Circus will be offering shows August 21 and 22, 2019 in the Municipal Park.

Community Development:
Elan Planning, Design & Landscaping PLLC AIA Agreement
Motion by Trustee Hollingsworth, seconded by Trustee LeBlanc to formally authorize Mayor Maroun to execute a contract with Elan Planning, Design & Landscaping PLLC AIA Contract contingent upon NYS DOS and our attorney's review for services relating to our LWRP planning for the Village Municipal Park. (Carried 4-0)

Code Enforcement:
Accept July Monthly Report
Motion by Trustee Maroun seconded by Trustee LeBlanc to approve the July 2019 Monthly Code Report as presented. (Carried 4-0)

DPW:
River Pig Naming Set Aside
Other miscellaneous updates include Mr. Edwards advised he would follow-up with the two dollar stores owners to get them to comply with the lighting repairs.

Deer/Church Street Reconstruction
Mayor Maroun asked if the board would set aside further discussions concerning the Empire League's naming of a ball team.

Other Miscellaneous Items
Department of Public Works Superintendent Robert Degrace advised the board that the black toppers will be here the second week of September to begin the surface of the streets.
Department of Public Works Superintendent Robert Degrace advised the board of the other miscellaneous items they've completed this month are: we are sending two trucks to the Town of Harrietstown 8/19, we are working with the ball club when time permits to work on the field and dugouts as well.

W/WW:
Kevin Feuka, C2AE
Updates

Our Project Manager and Engineer from C2AE Mr. Kevin Feuka was present to outline the progress for each of our Water & Wastewater Projects as follows:

- Water Meters, North Country Contractor's will be working with a company called VEPO Metering who will be installing the water meters in each home. Mr. Feuka presented each board member with a sampling of the notices that will be sent to each homeowner etc. He advised a last ditch letter will be sent to ask owners to comply by September 13, 2019.
- Water Violation numbers are coming down but NYS DOH are encouraging us to get out ahead of this and further study a solution. He advised we could study the feasibility of installing another ground water supply in the area. He advised that we can put an application in to USDA Rural Development to see if we would qualify for an Engineering Planning Grant to study it further. A study would cost approximately \$40,000 of which the grant would cover 75% of the cost of the study. We would look to see if Micro Filtering might be a solution, Aeration etc. A study needs to be done before we can apply for the free monies to implement.

Motion by Trustee LeBlanc, seconded by Trustee Hollingsworth to submit an application to USDA Rural development to complete a study. (Carried 4-0)

Electric:

Murmane Change Order
No. 3 & 4

Motion by Trustee Hollingsworth, seconded by Trustee LeBlanc to formally approve Change Order No. 3 & 4 for our General Contractor Murmane Building Contractors in the amount of an increase of \$2,512.75 for the geo fabric filter for the foundation spoils and a zero increase a contract extension respectively. (Carried 4-0)

Burns Brothers
Contractors Change
Order No. 1R

Motion by Trustee Hollingsworth, seconded by Trustee LeBlanc to formally approve Change Order No. 1R for our Plumbing Contractor Burns Brothers Contractors for a decrease of \$819.04 for changes to the shower accessories as presented. (Carried 4-0)

Replace Ford Escape
Hybrid

Motion by Trustee Hollingsworth, seconded by Trustee LeBlanc to authorize the replacement of the Ford Escape Hybrid with a new 2500HD Chevrolet Pick-up and to trade the Ford Escape Hybrid or place it out to bid on Auctions International which every would yield the best price. (Carried 4-0)

Miscellaneous

Updates:

Electric Superintendent Michael Dominie advised the board his men are still on Lincoln Drive and the primaries are almost done, they have acquired some LED street lights and have installed a demo that looks good and is Dark Sky Compliant. They plan to start swapping the old units out soon, and expect to save 70% on the cost of lighting the new units compared to the old units.

Treasurer:

Approve Warrant

Motion by Trustee Hollingsworth, seconded by Trustee LeBlanc to approve the August 21, 2019 warrant in the amount of \$986,505.48 for payment of the bills and abstracts for the month of July 2019. (Carried 4-0)

Review Cash
Position

Review the monthly cash position for July 31, 2019.

Equipment Replacement
Bond Authorization

At a regular meeting of the Board of Trustees of the Village of Tupper Lake, Franklin County, New York, duly held at the Village Hall, 53 Park Street, Tupper Lake, New York 12986, on August 21, 2019. The following resolution was offered by Trustee Leon LeBlanc, who moved its adoption, seconded by Trustee Clint Hollingsworth, to-wit:

BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUPPER LAKE, FRANKLIN COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE ACQUISITION OF ONE WHEEL LOADER AND ONE COMPRESSOR AND AIR BOTTLE CASCADE SYSTEM; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$107,379.65; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$107,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustees (the "Board") the Village of Tupper Lake, Franklin County, New York (the "Village") proposes to authorize the issuance of \$107,000 in serial bonds of the Village to finance the acquisition of one wheel loader for use by the Village's Department of Public Works and one compressor and air bottle cascade system for use by the Village's Fire Department (collectively, the "Project"), at an estimated maximum cost of \$107,379.65; and

WHEREAS, the Board of Trustees 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.

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), AS FOLLOWS:

SECTION 1. The Village is hereby authorized to undertake the acquisition of one wheel loader for use by the Village's Department of Public Works and one compressor and air bottle cascade system for use by the Village's Fire Department. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$107,379.65, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the expenditure of \$379.65 in current funds of the Village, (ii) the issuance of the \$107,000 in serial bonds of the Village authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, and (iii) unless paid from other sources, the levy and collection of taxes on all taxable real property of the Village to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 2. Serial bonds of the Village in the principal amount of \$107,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the aforementioned class of objects or purposes.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned specific object or purpose is five (5) years, pursuant to subdivision 32. 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 this resolution.

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 Section 1 of this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by Section 1 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 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 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 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 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 of Trustees 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 Village Treasurer of the Village, 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 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 8. The Village Treasurer of the Village 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 obligations" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. 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 of Trustees.

SECTION 10. The Board of Trustees hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA with respect to the Project need be taken by the Board of Trustees as a condition precedent to the adoption of this resolution.

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 such publication; 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, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Village for such purpose.

SECTION 13. This resolution shall take effect immediately

The following vote was taken and recorded in the public or open session of said meeting:

	AYES:	NAYS:
Mayor Paul A. Maroun	X	
Trustee David Maroun	X	
Trustee Clint Hollingsworth	X	
Trustee Leon LeBlanc	X	

(Carried 4-0)

Move 9/18 Meeting
To 9/25

Motion by Trustee Hollingsworth, seconded by Trustee LeBlanc to move next months meeting out a week to 9/25/19 because Deputy Village Treasurer Jacqueline St. Louis will be out of town for a family wedding. (Carried 4-0)

Into Executive
Session

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to enter Executive Session at 7:07 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 Hollingsworth to exit Executive Session at 7:09 pm. (Carried 4-0)

Change Order
NCC LLC

Water Improvements Motion by Trustee LeBlanc, seconded by Trustee Maroun to authorize a change order for North Country Contractors LLC for the purpose of completing an additional water loop from Demars Blvd. to McLaughlin Avenue to create a continuous circulation to the water system. (Carried 4-0)

Adjournment

Motion by Trustee LeBlanc, seconded by Trustee Maroun to adjourn at 7:10 pm. (Carried 4-0)

Mary A. Casagrain, Village Clerk/Treasurer