

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

Date: Thursday, September 8, 2022
Time: 5:00 PM
Location: Board Room
Meeting: Special Meeting 5:00-5:10 PM

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

Also present was News Reporter Dan McClelland.

Call Special Meeting
To Order Mayor Maroun called the Special Meeting to order at 5:00 pm.

Amended Bond
Resolution for Wastewater
Capital Improvements
For Lift Station #3 The following resolution was offered by Trustee David Maroun, who moved its adoption, seconded by Trustee Ronald A. LaScala, to-wit:

SECOND 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 AS PREVIOUSLY AMENDED BY AN AMENDED AND RESTATED BOND RESOLUTION DATED MARCH 18, 2020, RELATING TO THE VILLAGE’S SEWAGE COLLECTION SYSTEM; ESTIMATING THAT THE TOTAL COST THEREOF IS \$10,421,578; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$10,421,578 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, on March 18, 2020, the Board of Trustees adopted a resolution amending the Original Resolution (the "Amended 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.

WHEREAS, the Village now intends to amend and restate the Amended Resolution in its entirety pursuant to the terms of this resolution for the purpose of (i) revising and expanding the scope of the improvements to the Village's sewage collection system beyond what was included in the Original Project to include the acquisition and installation of a mechanical bar screen in the Village's Pump Station #3 on Demars Boulevard (the "Mechanical Bar" and collectively with the Original Project as revised and expanded, the "Project"), (ii) increasing the estimated maximum cost of the Project from \$9,421,578 to \$10,421,578, said increase being due to the increase in certain construction costs, (iii) appropriating said increased amount; (iv) increasing the maximum principal amount of bonds authorized thereunder to finance the cost of the Project from \$9,421,578 to \$10,421,578; and (v) restating the plan of finance as 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 AMENDED 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 \$10,421,578 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 such bonds.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$10,421,578, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$10,421,578 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 question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

	AYE:	NAY:
Mayor Paul A. Maroun	X	
Trustee Ronald A. LaScala	X	
Trustee Leon Leblanc	X	
Trustee Jason McClain	X	
Trustee David Maroun	X	

The resolution was thereupon declared duly adopted by a vote of 5 ayes and 0 nays.

(Carried 5-0)

Maddox Lane
No Significant Effect
On Environment &
Negative Declaration
SEQR

After a thorough review and determination a motion was made by Trustee LaScala, seconded by Trustee Maroun to approve the following resolution for the Tupper Lake Water Project (Maddox Lane Surface Water Project) stating that it will have no environmental impact and to make a negative declaration for SEQR:

**RESOLUTION DETERMINING THAT THE PROPOSED
VILLAGE OF TUPPER LAKE WATER SYSTEM IMPROVEMENTS
WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT**

WHEREAS, the Village Board of the Tupper Lake is considering a proposal to construct Water Supply Improvements; and

WHEREAS, pursuant to Article 8 of the Environmental Conservation Law and the regulations contained in 6 NYCRR Part 617 adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, hereafter SEQRA, the Village Board must determine whether such proposal may have a "significant effect on the environment" and therefore require the preparation of an environmental impact statement; and

WHEREAS, to aid the Village Board in determining whether the proposal may have a significant impact upon the environment, a full environmental assessment form (EAF) has been prepared, a copy of which was presented and circulated at the Village Board's 09/08/22 meeting; and

WHEREAS, pursuant to Part 617, the Village Board has examined the EAF in order to make a determination as to the potential environmental significance of the proposal; and

WHEREAS, the New York State Department of Environmental Conservation (hereafter "NYSDEC") and the New York State Department of Health (hereafter "NYSDOH"), and the Adirondack Park Agency, and the Village of Tupper Lake are the involved agencies as that term is defined in 6 (A2) NYCRR Section 617.2(t); and

WHEREAS, no further review is required under SEQRA;

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Tupper Lake as follows:

1. Based on its examination of the EAF, the criteria set forth in Sections 617.11 and 617.6 of the regulations, and such further investigation as the Village Board has deemed appropriate, no potential significant adverse impacts are known;
2. Consent to proceed with the project will not cause a significant impact on the environment, and the Village Board will not require the preparation of an environmental impact statement;
3. A negative declaration is to be prepared; and
4. The Village Clerk of the Village of Tupper Lake is hereby directed to cause to be filed and circulated the negative declaration in accordance with the requirements of SEQRA, a copy of the negative declaration shall be maintained in the Office of the Village Clerk in a file that will be readily accessible to the public, and the clerk shall mail copies, return receipt requested, to:

Office of the Commissioner
Department of Environmental Conservation
625 Broadway
Albany NY 12233
and, Environmental Notice Bulletin
NYSDEC – Att: Jack Nasca
625 Broadway, 4th Floor
Albany NY 12233-1750

and, NYSDOH
Bureau of Public Water Supply Protection
Division of Environmental Protection
Corning Tower
Empire State Plaza, Room 1142
Albany, NY 12237

5. All subsequent notices concerning this project shall state that a negative declaration pursuant to SEQRA has been issued.

Dated: September 8, 2022

Introduced by: Trustee Ronald LaScala

Seconded by: Trustee David Maroun

Voting Aye: 5

Voting Nay: 0

Abstaining: n/a

Absent: n/a

Signature of Recording Officer

(Carried 5-0)

Bond Resolution
For Water Capital
Improvements &
Authorize Mayor
To Sign

Motion by Trustee LaScala, seconded by Trustee McClain to formally approve a resolution to approve a forth coming Bond Resolution authorizing Mayor Maroun to sign once it is finalized with Bond Counsel for financing of a Water Capital Improvement Project for Maddox Lane Water Treatment Plant Upgrade etc.
(Carried 5-0)

Advertise Vacancies
Clerk and Water/Wastewater
Helper Titles

Motion by Trustee LaScala, seconded by Trustee Maroun to formally authorize the advertisement for vacancies for the positions of Clerk and Water/Wastewater Helper respectively until September 30, 2022. (Carried 5-0)

Adjournment

Motion by Trustee Maroun, seconded by Trustee LaScala to adjourn the Special Meeting at 5:10 pm. (Carried 5-0)

Mary A. Casagrain, Village Clerk/Treasurer