

Village of Tupper Lake  
Board of Trustees  
Minutes

Date: Monday, October 22, 2018  
Location: Board Room  
Meeting: Regular Monthly 6:00-7:26 PM

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

Also present were Department of Public Works Superintendent Robert Degrace, Police Chief Eric Proulx, Tupper Lake Central School District Students Mr. Connor Jessie and Mr. Benjamin Jones, Resident James Lanthier, and News Reporters Aaron Cerbone and Daniel McClelland.

Call Regular Meeting  
To Order

Mayor Maroun called the Regular Meeting to order at 6:00 pm.

Pledge

Pledge of allegiance to the flag and a moment of silence and prayer for the safe return of missing teen Colin Gillis.

Public comment  
James Lanthier

Resident Mr. James Lanthier expressed his concerns about the needed repairs to a portion of sidewalk in front of China Wok and that he was told by New York State Department of Transportation Resident Engineer Mr. Rob Haines that it probably wouldn't be repaired as promised this season.

Mr. Lanthier expressed the need to invest in the required training for our work crews to repair future sidewalks if needed.

Trustee LaScala advised the felt he could resolve the issue by directly contacting the contractor to see if he could help us out.

Mayor Maroun  
Update Guide Rails  
McLaughlin Avenue

Mayor Maroun announced that the guide rails have been installed on the McLaughlin Avenue corner past the former air port late last week.

NYCOM 25-Year  
Public Service  
Chief Proulx

Mayor Maroun took a moment to present to Police Chief Eric Proulx a NYCOM 25-Year Public Service Certificate for his service to the Tupper Lake community.

MOU Village-Town  
2017 Adk Smart  
Growth Grant

Motion by Trustee LaScala, seconded by Trustee Maroun to authorize Mayor Maroun to execute a Memorandum of Understanding between the Town of Tupper Lake and the Village of Tupper Lake for the administration of the Town's 2017 Adirondack Smart Growth grant as presented. (Carried 5-0)

Board Minutes  
Approved

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to approve the board minutes from September 19, 2019 and September 29, 2018 respectively. (Carried 5-0)

Code Enforcement:  
Accept September  
Monthly Report

Motion by Trustee LaScala seconded by Trustee Maroun to approve the September 2018 Monthly Code Report. (Carried 5-0)

## 16 McFarland Avenue

### Bid Award

Motion by Trustee Hollingsworth, seconded by Trustee LaScala to award the bid for the abatement and demolition for 16 McFarland Avenue to the low bidder NRC in the amount of \$ (Carried 5-0)

### Code Revision

#### Update

It was noted that the joint efforts of the Village and Town to complete code revisions will resume on November 15, 2018.

### Police:

#### Accept September

#### Monthly Report

Motion by Trustee Maroun, seconded by Trustee LaScala to approve the September 2018 Monthly Police Report for the Village and Town of Tupper Lake. (Carried 5-0)

### New Police Officer

#### Completed Schooling

Police Chief Eric Proulx advised that the two new officers have completed their schooling and have started road patrol and training on October 14, 2018.

### New Ford F150 Police

#### Vehicle in Service

Police Chief Eric Proulx advised that the new Ford F150 Police Vehicle is now striped and in service.

### Election Signs

#### Notice

Police Chief Eric Proulx advised he has received complaints of political signs being stolen. He reminded the press that it is against the law to steal them.

### Winter Parking

#### Ban

Police Chief Eric Proulx advised as a courtesy reminder that the winter parking ban will be in effect as of mid-night on 11/15/2018 and continuing until April 15, 2019.

### November Monthly

#### Meeting Change

It was noted that next month's meeting will be held on Monday, November 19, 2018 due to Thanksgiving Observance.

### Fire:

#### Accept September

#### Monthly Report

Motion by Trustee LaScala, seconded by Trustee Maroun to approve the September 2018 Monthly Fire Report. (Carried 5-0)

### Insurance Requirement

#### For FD Volunteers

Mayor Maroun announced that a new bill has been approved requiring that the Village provide the Volunteer Fire Department Members with cancer insurance. The new premium rate has been set for \$137 per interior member.

### F550 Brush Truck

#### Purchased by VFD

Trustee Maroun announced that the Volunteer Fire Department Members bought a new brush truck for \$50,000, it is a Ford F550 Diesel from Long Island and it will be lettered later this week.

Trustee LaScala thanked them for buying the vehicle.

Trustee Maroun advised they are in the process of selling the old 1992 mini-pumper.

### Other Updates

Trustee Maroun also advised that their membership is slowly growing again and they currently have 40 members in Tupper Lake and 6 members in Santa Clara. In addition, the Santa Clara Substation is working out nicely.

### DPW:

#### Band Shell Update

Mayor Maroun thanked Trustee Hollingsworth and Trustee LaScala for their dedication and hard work with the stone work for the band shell project. In addition they also thanked Trustee Hollingsworth father Tinker Hollingsworth for his efforts operating the excavator and Douglas Snyder for his efforts helping to set the seating stone.

Trustee Hollingsworth advised that the landscaping is almost done, trees and plaza edge needs modification and polymer sand grout needs to be installed. In addition, Tom LaMere and his men still need to finish the siding.

Mayor Maroun and Trustee Hollingsworth thanked Haselton Lumber for their generous donation of milling the wood and set up for a total donation of \$974.88 towards the band shell project. All the material was given to us at cost.

Each thanked the community and those who volunteered their time, material, machinery as well as fund raising efforts.

#### Pavilion Surrounding Trees

It was noted that the roofs have been completed in the municipal park and that the trees adjacent to the Rotary Pavilion need to be addressed to prevent future deterioration of the new roofing and fascia boards. Trustee LaScala made the motion, seconded by Trustee Maroun to give the DPW/Electric Department permission to eliminate the trees around the pavilion as needed. (Carried 5-0)

#### Paving Schedule Start Date

Department of Public Works Superintendent Robert Degrace advised we are still eagerly awaiting the green light from Upstone Materials to start our black topping. We are hopeful to start later this week.

2006 Chevy Sale  
Motion by Trustee LaScala, seconded by Trustee Hollingsworth to sell the 2006 Chevy pick-up truck with a plow on Auction's International. (Carried 5-0)

#### W/WW:

#### Modify Water Project Bond Resolution

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 October 22, 2018.

#### PRESENT:

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

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

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUPPER LAKE, FRANKLIN COUNTY, NEW YORK (THE "VILLAGE"), AMENDING THE BOND RESOLUTION DATED MARCH 19, 2012 AS PREVIOUSLY AMENDED AND RESTATED BY AN AMENDED AND RESTATED RESOLUTION DATED MARCH 4, 2016 AND BY A SECOND AMENDED AND RESTATED BOND RESOLUTION DATED AUGUST 16, 2017, RELATING TO THE AUTHORIZATION AND ISSUANCE OF SERIAL BONDS OF THE VILLAGE TO FINANCE THE 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 requires 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 17, 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 (the Original Bond Resolution, as amended and restated by each of the First Amended Bond Resolution and the Second Amended Bond 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 \$7,000,000 to \$8,500,000, as a result of the expected \$1,500,000 cost associated with the installation of water meters; and

**WHEREAS**, the Board now intends to further amend the Bond Resolution to (i) increase 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) revise 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.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees (the “Board of Trustees”) of the Village of Tupper Lake, Franklin County, New York (the “Issuer” or the “Village”) (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. Section 2 of the Bond Resolution is hereby amended in its entirety to read as follows:

“SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$8,500,000, said amount is hereby appropriated therefore and the plan for the financing thereof shall consist of (i) the issuance of up to \$7,000,000 in serial bonds of the Village, or bond anticipation notes issued in anticipation of such serial bonds, authorized to be issued pursuant to Section 1 of this resolution, (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 of Town Board to pay the principal of such bonds or bond anticipation notes and the interest thereon as the same become due and payable.”

SECTION 2. Except as specifically amended herein, all the terms and provisions of the Original Bond Resolution shall remain in full force and effect.

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

	<u>AYE</u>	<u>NAY</u>
Mayor Paul A. Maroun	X	
Trustee Leon LeBlanc	X	
Trustee Ronald LaScala	X	
Trustee Clint Hollingsworth	X	
Trustee David Maroun	X	

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

I, the undersigned Village Clerk of the Village of Tupper Lake, DO HEREBY CERTIFY as follows:

1. I am the duly qualified and acting Village Clerk of the Village of Tupper Lake, Franklin County, New York (the “Village”) and the custodian of the records of the Village, including the minutes of the proceedings of the Board of Trustees, and am duly authorized to execute this certificate.
2. A regular meeting of the Board of Trustees of the Village of Tupper Lake, Franklin County, State of New York, was held on October 22, 2018, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with law for the purpose of recording the minutes of meetings of said Board.
3. Attached hereto is a true and correct copy of a Bond Resolution duly adopted at a meeting of the Board of Trustees held on October 22, 2018 and entitled:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF TUPPER LAKE, FRANKLIN COUNTY, NEW YORK (THE “VILLAGE”), AMENDING THE BOND RESOLUTION DATED MARCH 19, 2012 AS PREVIOUSLY AMENDED AND RESTATED BY AN AMENDED AND RESTATED RESOLUTION DATED MARCH 4, 2016 AND BY A SECOND AMENDED AND RESTATED BOND RESOLUTION DATED AUGUST 16, 2017, RELATING TO THE AUTHORIZATION AND ISSUANCE OF SERIAL BONDS OF THE VILLAGE TO FINANCE THE CONSTRUCTION AND INSTALLATION OF A REPLACEMENT GROUND WATER SOURCE AND ASSOCIATED TREATMENT AND TRANSMISSION FACILITIES

4. 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.
5. 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 1976 of the State of New York, and that all members of said 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.

6. 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 22<sup>nd</sup> day of October, 2018.

**VILLAGE OF TUPPER LAKE**

[SEAL]

By:

Mary A. Casagrain, Village Clerk

(Carried 5-0)

Award WWTP Chlorination

& Dechlorination Improvements

Bid

Motion by Trustee LaScala, seconded by Trustee Maroun to award the WWTP Chlorination and Dechlorination Improvements bid to North Country Contractors LLC for a base bid amount of \$369,999. (Carried 5-0)

Budget Transfer

Water & Sewer

Funds

Motion by Trustee LaScala, seconded by Trustee Maroun to approve budget transfers for the Water and Sewer funds for Fiscal Year End May 31, 2018 of \$67,401.93 and \$45,960.64 respectively. (Carried 5-0)

Electric:

Approve AIA

MRB Group For

Professional Services

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to authorize Mayor Maroun to execute the AIA Agreement with MRB Group for the purpose of professional services relating to the proposed new Village Municipal Electrical Garage. (Carried 5-0)

Annual NYPA

Report Fiscal Year

End 5/31/18

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to formally accept the Fiscal Year end May 31, 2018 Tupper Lake Municipal Electric System New York Power Authority Report as presented. (Carried 5-0)

Discharge Electric

Balance

Motion by Trustee Maroun, seconded by Trustee LeBlanc to discharge two electric account balances in the amount of \$13,96 and \$54.34 respectively. (Carried 5-0)

Treasurer:

NYS Comptroller's

AUD Fiscal Year

End 5/31/18

Motion by Trustee Maroun, seconded by Trustee LaScala to formally accept the Fiscal Year End May 31, 2018 Village of Tupper Lake New York State Comptroller's Annual Update Document as presented. (Carried 5-0)

Approve Warrant

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to approve the October 22, 2018 warrant in the amount of \$763,348.58 for payment of the bills and abstracts for the month of September 2018. (Carried 5-0)

Review Cash

Position

Review the monthly cash position for September 30, 2018.

Community Bank NA  
Night Depository Agreement  
& Corporate Authorization  
Resolution

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to formally approve the Night Depository Agreement and Corporate Authorization Resolution with Community Bank NA for the Village of Tupper Lake's banking needs as presented.  
(Carried 5-0)

Procurement Policy  
Update

Motion by Trustee Hollingsworth, seconded by Trustee Maroun to formally approve an updated Procurement Policy as presented for the Village of Tupper Lake. (Carried 5-0)

Fiscal Year End 5/31/18

Budget Transfers  
For General Funds

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to formally approve fiscal year end May 31, 2018 budget transfer for the general fund in the amounts of \$153,572.56. (Carried 5-0)

Special Meeting Set  
November 2, 2018  
@9:00 am

It was noted a special meeting will be held on Friday, November 2, 2018 at 9:00 am to approve the tax and water/sewer re-levy.

Enter Executive  
Session

Motion by Trustee LeBlanc, seconded by Trustee Maroun to enter into Executive Session to discuss 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 at 7:00 pm. (Carried 5-0)

Exit Executive  
Session

Motion by Trustee LaScala, seconded by Trustee Hollingsworth to exit Executive Session at 7:25 pm. (Carried 5-0)

Adjournment

Motion by Trustee Hollingsworth, seconded by Trustee LaScala to adjourn at 7:26 pm. (Carried 5-0)

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Mary A. Casagrain, Village Clerk/Treasurer