

**Village Board of Trustees  
Special Meeting  
Monday, September 19, 2016**

**MAYOR TRAVER CALLED THE MEETING TO ORDER AT 4:00PM.**

<b>Roll Call</b>	Trustee Conlon	Trustee Williams	Trustee DeVoe	Trustee Carpenter
<b>Justice</b>	Joseph Malvuccio			
<b>Clerk</b>	Liann M. Lyons			
<b>Code</b>	Dave Armando			
<b>Public</b>	N/A			

**ANNUAL AUDIT OF BOOKS  
JUSTICE COURT**

Mayor Traver went through Appendix F (General Recordkeeping Requirements for Town and Village Justice Courts) of the Division of Local Government and School Accountability book issued by the Office of the State Comptroller. The audit included a review of cash receipts, disbursements & reconciliations, supporting records, dockets & case files, as well as reporting to required agencies.

Mayor Traver went through Appendix C (General Recordkeeping Requirements for Chief Fiscal Officers) of the Division of Local Government and School Accountability book issued by the Office of the State Comptroller. The audit included a review of cash receipts, disbursements & reconciliations, receivables, indebtedness records, property records, financial reporting and payrolls.

**RESOLUTIONS**

RESOLUTION #27 OF 2016

ANNUAL AUDIT OF THE JUSTICE COURT & CLERK/TREASURER FINANCIAL RECORDS  
MOTION BY **TRUSTEE WILLIAM**, SECONDED BY **TRUSTEE CARPENTER** WHICH STATES:

**WHEREAS**, the Village Board is required to annually audit the records of the Clerk/Treasurer and the Village Justice, and

**WHEREAS**, the purpose of the special meeting is to audit both the Clerk/Treasurer and the Village Justice financial records, and

**BE IT RESOLVED**, the Fort Edward Village Board has hereby reviewed both the Clerk/Treasurer and Village Justice financial records from June 1, 2015 – May 31, 2016.

All ayes. Motion carried.

RESOLUTION #28 OF 2016

BOND RESOLUTION AUTHORIZING THE ISSUANCE OF \$100,000.00 AGGREGATE PRINCIPAL AMOUNT OF SERIAL BONDS OR A STATUTORY INSTALLMENT BOND OF THE VILLAGE OF FORT EDWARD TO PAY THE COSTS FOR THE PURCHASE OF A RAVO 5I STREET SWEEPER AND AUTHORIZING THE ISSUANCE OF BOND ANTICIPATION NOTES OF THE VILLAGE OF FORT EDWARD FOR THE AFORESAID PURPOSES AND IN CONNECTION THEREWITH

MOTION BY **TRUSTEE CONLON**, SECONDED BY **TRUSTEE CARPENTER** WHICH STATES:

**WHEREAS**, after due deliberation thereon, the Board of Trustees (the “Board”) of the Village of Fort Edward (the “Village”) desires to undertake a project consisting of the purchase of a Ravo 5i Street Sweeper and, related improvements and other incidental costs (the “Project”) and

**WHEREAS**, the Village, upon due consideration previously determined this action to be an Unlisted Action and pursuant to Part 617 of Title 6 of the NYCRR and after taking a hard look at the project issued a Negative Declaration and declared that the action does not have a significant impact on the environment and that no further environmental review is required; and

**WHEREAS**, the total estimated cost of the Project is One Hundred Ninety Three Thousand Nine Hundred Ninety Seven and 00/100 Dollars (\$193,997.00) which is the responsibility of the Village; and

**WHEREAS**, in order to finance the costs associated with the Project, the Village desires to issue notes or serial bonds or a statutory installment bond, in lieu of serial bonds, in the aggregate principal amount of One Hundred Thousand and 00/100 Dollars (\$100,000.00); and

**WHEREAS**, no other bond anticipation notes have been previously authorized or issued in anticipation of the issuance of serial bonds authorized by this resolution and the bond anticipation notes authorized by this resolution will not serve to renew any other existing bond anticipation notes.

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

**Section 1.** The specific object and/or purpose of the Project for which the obligations authorized by this Resolution are to be issued is the purchase of a Ravo 5i Street Sweeper and related improvements and other incidental costs, all of which are hereby authorized at a maximum estimated cost One Hundred Thousand and 00/100 Dollars (\$100,000.00).

**Section 2.** The initial financing of the Project shall be undertaken by the Village through the issuance of a bond anticipation note or notes in accordance with and pursuant to the Local Finance Law of the State of New York in an amount not to exceed One Hundred Thousand and 00/100 Dollars (\$100,000.00). The Village hereby authorizes any bonds, including a statutory installment bond, in lieu of serial bonds, to be issues for this Project in an amount not to exceed One Hundred Thousand and 00/100 Dollars (\$100,000.00). In addition, the Village further authorizes any obligations issued hereunder to be secured in connection with any Federal or State issued grant(s) or loan(s).

**Section 3.** The Village hereby authorizes the mayor of the Village (the "Mayor") to utilize funds held within the Fund and within the Budget for the purpose of payment of services rendered in connection with the Project and further authorizes the Mayor to repay any funds expended from the Fund with funds borrowed in connection with any bond anticipation note or bonds, including statutory installment bonds, issued pursuant to and authorized by and through this bond resolution.

**Section 4.** There are hereby authorized to be issued bond anticipation notes ("Notes"), including the renewal of such Notes, for the aforesaid specific objects or purposes in amounts up to but not exceeding the maximum amount of the Bonds herein authorized. Any such Notes issued shall be approved as to form and executed by the Mayor, and issued in anticipation of the sale of the Bonds herein authorized.

**Section 5.** It is hereby determined that the period of probable usefulness of the aforesaid specific objects or purposes is fifteen (15) years pursuant to Section 11.00(a)(28) of the Local Finance Law.

**Section 6.** The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on any Bonds or Notes issued in connection with this bond resolution, as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of, and any interest, if applicable, on the Bonds or Notes becoming due and payable in such years.

**Section 7.** The maximum maturity of the Bonds shall not exceed the periods of probable usefulness set forth above and shall mature on or before the date of the expiration of the aforesaid periods of probable usefulness as measured from the date of the Bonds or from the date of the first bond anticipation note issued in anticipation of the sale of such bonds, whichever date is earlier. If deemed necessary by the Mayor, the Bonds or Notes to be issued hereunder may be issued in two or more separate series. The maturity of the Bonds issued in connection with this bond resolution will exceed five (5) years.

**Section 8.** Any Notes or Bonds issued hereunder shall be payable from the proceeds derived from the issuance and or sale of the Bonds authorized herein or otherwise redeemed in the manner provided by Section 23.00 or Section 62.10 of the Local Finance Law.

**Section 9.** There are no bond anticipation notes or Bonds outstanding which have been previously issued in anticipation of the sale of the Bonds authorized herein.

**Section 10.** Subject to the provisions of the Local Finance Law, the power to issue and sell the Bonds and/or Notes, including all powers and duties pertaining or incidental thereto, is hereby delegated to the Mayor of the Village, except as herein provided. The Bonds and/or Notes shall be of such terms, form and content, and shall be sold in such manner, whether by public or private sale, as may be determined by the Mayor, pursuant to Local Finance Law, this resolution and any further resolution which the Board may hereafter adopt. The Mayor is authorized to execute and deliver any documents and to take such other action as may be necessary and proper to carry out the intent of the provisions of this resolution, including any resolutions, contracts or authorizations necessary to secure any Federal or State issued grant(s) or loan(s).

**Section 11.** The exact date of issue of the Bonds and/or Notes and the exact date upon which the same shall become due and payable shall be fixed and determined by the Mayor, provided however, that the maturity of said Notes or renewals thereof shall not exceed one year from the Note's or renewal's date of issue except as permitted by the Local Finance Law.

**Section 12.** The Mayor shall prepare, or cause to be prepared, such Bonds and/or Notes and sell the same in accordance with the applicable provisions of the Local Finance Law, and at such sale shall determine the interest rate to be borne by such Bonds and/or Notes, whether fixed or variable.

**Section 13.** The proceeds of the sale of the Bonds and/or Notes shall be deposited and/or invested as required by Section 165.00 of the Local Finance Law, and the power to invest the proceeds of sale is hereby delegated to the Mayor and the power to invest in any instruments described in the said Section 165.00 is expressly granted.

**Section 14.** To the extent that it is permitted to do so under the Internal Revenue Code of 1986, as amended (the "Code"), the Issuer hereby designates the Bonds and/or Notes as "qualified tax-exempt obligations" under Section 265(b)(3) of the Code. The Issuer hereby covenants that it will (i) take all actions on its part necessary to cause interest on the Bonds and/or Notes be excluded from gross income for purposes of Federal income taxes and (ii) refrain from taking any action which would cause interest on the Bonds and/or Notes to be included in gross income for purposes of Federal income taxes.

**Section 15.** Pursuant to Section 36.00 of the Local Finance Law, this resolution is subject to permissive referendum.

**Section 16.** The validity of such Bonds and/or Notes (collectively "Obligations") may be contested only if:

- (1) Such Obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced with twenty (20) days after the date of such publication, or
- (3) Such Obligations are authorized in violation of the provisions of the constitution.

**Section 17.** This resolution, or a summary hereof, shall be published in full in the *Post Star*, which has been designated as the official newspaper of the Village for such purpose, together with a notice of the Clerk of the Village in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 18.** The adoption of this Resolution is considered an action under the New York State Environmental Quality Review Act (SEQRA). The Village previously determined the action to be an Unlisted action, and after taking a hard look at the project issued a Negative Declaration and declared that the action does not have a significant impact on the environment and that no further environmental review is required and hereby reaffirms said declaration.

**Section 19.** This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote by roll call, which resulted as follows:

Voting	Ayes	Nays	Abstain	Absent
Matthew Traver, Mayor	√	_____	_____	_____
Tracy Conlon, Trustee	√	_____	_____	_____
Peter Williams, Trustee	√	_____	_____	_____
Darlene DeVoe, Trustee	√	_____	_____	_____
Edward Carpenter, Trustee	√	_____	_____	_____

The foregoing resolution was thereupon declared duly adopted.

*Liann M. Lyons*

Liann M. Lyons, Village Clerk  
 All ayes. Motion carried.

**DISCUSSION**

ENVIRONMENTAL ASSESSMENT FORM

The board went through the Short Form SEQR review for the purchase of the Ravo 5i street sweeper. This is an unlisted action. The Board went through questions listed in Part I and Part II on the document and determined that as to all questions there was "No, or small impact may occur" as it relates to this project.

A motion was made by Trustee. DeVoe, seconded by Trustee Conlon to declare the Village of Fort Edward Village Board as Lead Agency for SEQRA purposes, declaring that based on the information and analysis of the Board, and all supporting documentation, the proposed Type II action will not result in any significant adverse environmental impacts and adopted a Negative Declaration as it relates to SEQRA. All ayes. Motion carried.

The next step in the financing process is for Clerk Lyons to send a public notice to the Post Star to publish borrowing of money for the sweeper purchase. This is subject to a permissive referendum and a mandatory 30 day wait period.

MARKETPLACE

The bathroom at the Marketplace is ready to be finished. Blakeman Builders failed to submit a quote as requested. Trademark Builders has submitted an estimate to perform the necessary renovations on the bathroom at a cost not to exceed \$1400.00. Trustee Williams made a motion, seconded by Trustee Conlon to authorize a \$919.00 down payment for said work. All ayes. Motion carried.

UPDATED ZONING

Attorney Fuller provided a draft of zoning uses and dimensional limits to the Board. In addition to discussing agricultural uses in an R-1 zone on individual parcels that are 2.5 acres or larger, the board discussed the following:

- #11- Assembly Hall- Please add SPR under the Marina/Commercial (MC)
- #27- Fuel Supply- Please add SUP under the Marina/Commercial (MC)
- #37- Marina- Please remove SPR under the Depot District (DD)
- #39- Microbrewery- Please add SPR under the Depot District (DD)
- #42- Nightclub- Can you provide a definition of a "nightclub"

NYS DOT/ CP RAIL, D&H

ABANDONED RAILROAD PROPERTY

On August 31<sup>st</sup> the Mayor received a letter from DOT in regards to abandoned railroad property near the Dewatering Facility. As per Section 18 of the Transportation Law, Delaware and Hudson Railway Company, Inc. requests a Release of the Preferential Right of Acquisition from the village so that they may proceed with a land sale. After a brief discussion, the board agreed they were not interested in acquiring part or the entire property.

FORECLOSED PROPERTIES

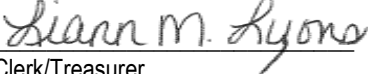
Mayor Traver and Attorney Matthew Fuller met with Bob Cook, Hudson Falls village trustee and Attorney Bill Nikas to discuss foreclosed properties between 2012-2016. A general discussion took place.

WATER DEPARTMENT

The board briefly discussed the water plant, renovations and updates that have taken place over the last year and overall general operation and maintenance of the plant.

There being no further business, a motion to close the meeting at 5:50 was made by **Trustee Carpenter**, seconded by **Trustee Williams**. All ayes. Motion carried.

Respectfully Submitted,

  
Clerk/Treasurer

Dated: 09/21/2016