

# VILLAGE OF HEUVELTON

## Regular Board Meeting

February 12, 2025

At 6:20 pm, Mayor Lashua called the meeting to order; she opened the meeting with the pledge of allegiance, Trustees in attendance were Trustee A. Guardino, Trustee M. Hebert, Trustee E. Wood. And Trustee C. Basford. Also, in attendance was A. Spaman, DPW Supervisor, and J. Lightfoot, SLC Legislator.

**PUBLIC FORUM** Mr. Lightfoot updated the Board on county matters. He left at 7:11.

**HVFD** Fire Department finances were discussed, excess contract revenues will go into truck reserve.

### RESOLUTION 25-009

### TANKER FIRE TRUCK LOAN

Offered by Tr. Guardino, seconded by Tr. Basford. All in favor.

**A RESOLUTION OF THE VILLAGE TRUSTEES OF THE VILLAGE OF HEUVELTON AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS 2024 TANKER FIRE TRUCK FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE. WHEREAS, it is necessary for the Village of Heuvelton (herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of \$324,000.00 pursuant to the provisions of NYS Local Finance Laws; and**

**WHEREAS, the Association intends to obtain assistance from the Rural Housing Service, Rural Business - Cooperative Service, Rural Utilities Service, or their successor Agencies with the United States Department of Agriculture, (herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event that no other acceptable purchaser for such bonds is found by the Association:**

**NOW THEREFORE in consideration of the premises the Association hereby resolves:**

- 1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.**
- 2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U. S. C. 1983 (c)).**
- 3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$ 10,000.**
- 4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal permissible source.**
- 5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the**

**Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.**

6. **Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so without the prior written consent of the Government.**
7. **Not to defease the bonds, or to borrow money, enter into any contract or agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.**
8. **To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.**
9. **To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.**
10. **To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by the Government. No free service or use of the facility will be permitted.**
11. **To acquire and maintain such insurance and fidelity bond coverage as may be required by the Government**
12. **To establish and maintain such books and records relating to the operation of the facility and its financial affairs and to provide for required audit thereof as required by the Government, to provide the Government a copy of each such audit without its request, and to forward to the Government such additional information and reports as it may from time to time require.**
13. **To provide the Government at all reasonable times access to all books and records relating to the facility and access to the property of the system so that the Government may ascertain that the Association is complying with the provisions hereof and of the instruments incident to the making or insuring of the loan.**
14. **That if the Government requires that a reserve account be established and maintained, disbursements from that account may be used when necessary for payments due on the bond if sufficient funds are not otherwise available. With the prior written approval of the Government, funds may be withdrawn for:**
  - (a) **Paying the cost of repairing or replacing any damage to the facility caused by catastrophe.**
  - (b) **Repairing or replacing short-lived assets.**
  - (c) **Making extensions or improvements to the facility.****Any time funds are disbursed from the reserve account, additional deposits will be required until the reserve account has reached the required funded level.**
15. **To provide adequate service to all persons within the service area who can feasibly and legally be served and to obtain the Government's concurrence prior to refusing new or adequate services to such persons. Upon failure to provide services which are feasible and legal, such person shall have a direct right of action against the Association or public body.**
16. **To comply with the measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.**
17. **To accept a grant in an amount not to exceed \$50,000.00 under the terms offered by the Government; that the Village Mayor and Village Clerk of the Association are hereby authorized and empowered to take all action necessary or appropriate in the execution of all written instruments as may be required in regard to or as evidence of such grant; and to operate the facility under the terms offered in said grant agreement(s).**

**The provisions hereof and the provisions of all instruments incident to the making or the insuring of the loan, unless otherwise specifically provided by the terms of such instrument, shall be binding upon the Association as long as the bonds are held or insured by the Government or assignee. The**

provisions of sections 6 through 17 hereof may be provided for in more specific detail in the bond resolution or ordinance; to the extent that the provisions contained in such bond resolution or ordinance should be found to be inconsistent with the provisions hereof, these provisions shall be construed as controlling between the Association and the Government or assignee The vote was:  
Yeas 5 Nays 0 Absent 0

**RESOLUTION 25-010**

**BOND RESOLUTION**

Offered by Mayor Lashua, seconded by Tr. Guardino. All in favor.

**A RESOLUTION AUTHORIZING THE ISSUANCE OF SERIAL BONDS, A STATUTORY INSTALLMENT BOND OR INSTALLMENT PURCHASE AGREEMENT FOR THE PURCHASE OF A PUMPER FIRE TRUCK FOR AN AMOUNT NOT TO EXCEED \$1,300,000**

**BE IT RESOLVED**, by the Village Board of the Village of Heuvelton, St. Lawrence County, New York, as follows:

**Section 1.** The purchase of a Pumper Fire Truck for the Village of Heuvelton is in the interest of its residents of the Village of Heuvelton. The maximum cost of such specific objects or purposes is \$1,300,000

**Section 2.** It is hereby determined that the period of probable usefulness of the aforesaid Pumper Fire Truck is twenty (20) years; pursuant to Section 11 (27) of the Local Finance Law. It is further determined that no down payment is required pursuant to Section 107 of the Local Finance Law.

**Section 3.** The plan for the financing of such estimated cost for such objects or purposes is by the issuance of Serial Bonds, a Statutory Installment Bond or Installment Purchase Agreement not to exceed \$1,300,000 for such objects or purposes of said Village, hereby authorized to be issued therefore pursuant to the Local Finance Law. Such financing shall be repaid over a period in excess of five (5) years.

**Section 4.** The faith and credit of the Village of Heuvelton, St. Lawrence County, New York is hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable.

**Section 5.** All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether to manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Village by the facsimile signature of its Village Treasurer), including the consolidation with other issues, shall be determined by the Village Treasurer. It is hereby determined that it is to the financial advantage of the Village not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Village Mayor shall determine.

**Section 6.** Upon this resolution taking effect, the same shall be published in the North Country This Week, the official newspaper of said Village, for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

**Section 7.** This resolution is subject to permissive referendum, pursuant to Section 36.00 of the Local Finance Law.

**Section 8.** This resolution shall constitute a statement of official intent for the purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

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

Mayor Barbara Lashua	yes <u>X</u> no ___
Gus Guardino	yes <u>X</u> no ___
Carol Basford	yes <u>X</u> no ___
Mike Hebert	yes <u>X</u> no ___
E. Jack Wood	yes <u>X</u> no ___

The resolution was thereupon declared duly adopted.

**WATER/SEWER** Mayor Lashua reviewed project changes.

**RESOLUTION 25-011 SEWER CONSOLIDATION SCADA AMENDMENT 1**

Offered by Tr. Hebert, seconded by Mayor Lashua. All in favor.

**Resolution authorizing the Mayor to execute Amendment 1 to the SCADA services agreement for the Sewer Consolidation project, additional services will include installation and programming of flow meter at Losurdo's; and new equipment installation at the Ogdensburg CSO tank for collection of Heuvelton wastewater; increasing the agreement amount by \$60,000 bringing the total not to exceed agreement amount to \$160,000.**

**RESOLUTION 25-012 SEWER CONSOLIDATION CHANGE ORDER 1-7**

Offered by Tr. Guardino, seconded by Tr. Basford. All in favor.

**Resolution to accept change order 7 to contract 1 for the sewer consolidation project for CSO storage tank improvements and a time extension increasing the contract price by \$ 213,255.00.**

**RESOLUTION 25-013 SEWER CONSOLIDATION CHANGE ORDER 1-8**

Offered by Tr. Wood, seconded by Tr. Hebert. All in favor.

**Resolution to accept change order 8 to contract 1 for the sewer consolidation project for additional CSO storage tank improvements and wet well matting increasing the contract price by \$ 832,689.58.**

**RESOLUTION 25-014 SEWER CONSOLIDATION CHANGE ORDER 2-3**

Offered by Tr. Hebert, seconded by Tr. Wood. All in favor.

**Resolution to accept change order 3 to contract 2 for the sewer consolidation project for CSO storage tank improvements and a time extension increasing the contract price by \$ 275,810.34.**

**RESOLUTION 25-015 SEWER CONSOLIDATION EDR AMENDMENT 4**

Offered by Tr. Basford, seconded by Tr. Wood. All in favor.

**Resolution to accept amendment 4 to the EDR engineering agreement reducing the budget from resident project representative by \$45,000.00.**

**MAYORS REPORT** Mayor Lashua updated the Board on Parks and Rec Grant.

**RESOLUTION 25-016 ACCEPT RESIGNATION**

Offered by Mayor Lashua, seconded by Tr. Wood. All in favor.

**Resolution to accept the Historians' resignation effective March 1<sup>st</sup>.**

**RESOLUTION 25-017 ENERGY SUPPLIER SERVICES**

Offered by Tr. Basford, seconded by Tr. Guardino. All in favor.

**Resolution for the clerk to sign on with ENGIE as the electric supplier for the Village of Heuvelton beginning November 2025 for a fixed rate of .09525 per kWh for a 24-month term.**

**DPW** Mr. Spaman gave a public works report. Informed the Board of damage to the pavilion and the need to purchase a new work truck.

**RESOLUTION 25-018**

**PURCHASE APPROVAL**

Offered by Tr. Hebert, seconded by Mayor Lashua. All in favor.

**Resolution to allow the DPW Supervisor to purchase a new work truck through state bid at a cost not to exceed \$65,000.00.**

**RESOLUTION 25-019**

**APPROVAL OF MINUTES**

Offered by Tr. Guardino, seconded by Tr. Wood. All in favor.

**Resolution to accept the minutes of the 1/8/25 Board Meeting.**

**RESOLUTION 25-020**

**VOUCHER APPROVALS**

Offered by Tr. Basford, seconded by Tr. Hebert. All in favor.

**Approval of Vouchers 0225-1--0225-35**

<b>General</b>	<b>\$ 30,451.69</b>
<b>Sewer</b>	<b>\$ 33,511.57</b>
<b>Water</b>	<b>\$ 3,281.13</b>
<b>Sewer Project</b>	<b>\$11,290.00</b>
<b>Total</b>	<b>\$78,534.39</b>

**Other Disbursements \$ 23,818.09**

**RESOLUTION 25-021**

**BUDGET MODIFICATION APPROVAL**

Offered by Tr. Wood, seconded by Tr. Guardino. All in favor.

**Increase**

**71804.1 REC Facility \$69.29**

**81201.2 WWTP PS \$662.15**

**Decrease**

**73104.1 Youth EQ \$69.29**

**90408.2 Workers Comp \$662.15**

At 7:31 pm, with no further business before the Board, the meeting was adjourned by Tr. Guardino. All agreed.

Respectfully submitted,

Rebecca Donnelly

Village Clerk