

## **Minutes of Regular Meeting February 10, 2010**

---

---

**PRESENT:** Commissioners: Murray, Daly, Nappi, Weitz and Chairman Woehrle, Attorney Hayner Secretary Versocki, Treasurer Splendido, Chief Lingenfelter, Lt. J. Vena  
Cpt. T. Congdon, Chief Elliott, C. Cahill, R. Hull, D. Pacheco and Edwin Reilly.

The Meeting was called to order at 7:04 p.m. under the direction of Chairman Woehrle.

Motion/ Weitz, 2<sup>nd</sup>/ Nappi: To approve the minutes of the January 13, 2010 Regular Meeting as read. Passed 5-0.

### **CORRESPONDENCE:**

- A letter of appointment for John A. Splendido as the Niskayuna Fire District Treasurer for the period of January 1, 2010 through December 31, 2010 and bonding for up to \$2 million dollars.
- A facsimile letter from Niskayuna Town Supervisor Joseph Landry stating that the Town of Niskayuna concurs with The Niskayuna Consolidated Fire District No. 1's assumption of Lead Agency status under SEQRA for coordinating environmental review of the proposed renovation & expansion of the existing fire station located at 1079 Balltown Rd. Niskayuna, NY 12309.
- A signed letter from The Schenectady County Civil Service Commission certifying the names of 15 employees from Niskayuna Fire District No.1.
- A notice of upcoming Fire Commissioner training at The Turning Stone Resort on March 26 – 28, 2010.
- A letter authorizing Treasurer John Splendido to pay the invoice from Fire Districts Mutual Insurance Company as approved by Fire Commissioners Woehrle, Murray, Nappi & Weitz.

### **PRIVILEGE OF THE FLOOR:**

- Niskayuna District No. 1 resident and former Niskayuna Town Supervisor Edwin Reilly asked for a chance to speak to the board of fire commissioners about the proposed building renovation and addition project. He asked specific questions about the community letter which was sent to all residents and added some comments & suggestions. He also added his praise & support for the Niskayuna Town Police and Fire Departments.

**BILLS:** Motion Murray/ 2<sup>nd</sup>/ Nappi: To pay bills 2010 - 65 thru 2010 - 123 from January 12, 2010 through February 8, 2010 totaling \$156,697.79 as reviewed. Passed 5-0.

### **TREASURER'S REPORT:**

- Treasurer Splendido first reviewed the comparison sheet of the year end 2009 expenses He then reported on the 2010 budget versus actual expenses through January 31, 2010. John also discussed the reserve account balances as of December 31, 2009 and projected transfers into these accounts as agreed in the 2010 budget.
- Treasurer Splendido also reported working on simplifying the current bills & accounts spreadsheet by utilizing a newer version on Windows Quick Books.
- Treasurer Splendido pointed out the following discrepancies:
  - Salary expense line A3410.12 shows an increase due to unused personal time being paid at the rate in which it was earned.
  - The January 2009 vs. January 2010 comparison shows a higher health insurance premium and a credit that will be applied to this expense line.
  - A 5-year negative tax levy in January 2010 of \$5,295.38.

**COMMITTEE REPORTS:**

**FINANCE:**

- Commissioner Murray discussed that the auditor has been given the records for the 2007, 2008 and 2009 and that Treasurer Splendido is working on the New York State report.
- Treasurer Splendido reported that according to the NYS Comptrollers office there is no record of the state report ever being filed in 2009. The commissioners discussed this issue and commented about having tried unsuccessfully to reach former Treasurer Kristin DeAngelus in regard to the missing report.

**ATTORNEY'S REPORT:**

- Chairman Woehrle reported that during this time at each meeting will give the District Attorney a chance to report on legal issues pertaining to the Fire District.
- Attorney Tom Hayner reported that regarding the deferred compensation issue; we currently utilize Nationwide Retirement and we need to proceed with a 5 year renewal contract.
- Attorney Hayner also reported on the issue of pregnancy as it applies to Career and volunteer members. He briefly discussed FMLA (Family Medical Leave Act) laws and will research the issue further and give a report at the next regular commissioners meeting.

**INSURANCE:** No Report.

**MEDIA RELATIONS:** No Report.

**APPARATUS & EQUIPMENT:**

Chief Lingenfelter Reported:

- The new ambulance is still in the factory. Final delivery has been pushed back to late February early March 2010. An error in the paint color set the expected delivery date back.
- Engine 402 sustained damage to the body resulting from a collision with the carport at Niskayuna Garden Apartments. Insurance company has been notified and the repairs to the engine have been completed. No injuries to firefighters or civilians were sustained.

**COMMUNICATIONS & INFORMATION SERVICES:**

Chief Lingenfelter Reported:

- I am Requesting authorization to purchase radio communications equipment to complete our narrow band communications upgrade as required by the FCC and Schenectady County. A March 2010 implementation of the narrow band system is anticipated. Cost of equipment not to exceed \$13,000 as budgeted and are available on NYS contract pricing.

### **EMS & EQUIPMENT:**

Chief Lingenfelter Reported:

- The Autopulse unit and accessories have been received and put into service.
- The new ice rescue suits have been received. Training is slated for 3/15/10.

### **FACILITIES:**

- Chairman Woehrle reported that the rug removal & hard wood floor replacement at River Rd, which was awarded to Boulevard Rug, will be installed within the next 2 weeks.
- Chief Lingenfelter reported that a meeting room rear door at Balltown Rd. has a missing door knob that needs to be replaced.

**ELECTIONS:** No Report.

### **PROTECTIVE GEAR & UNIFORMS:**

Chief Elliott reported:

- I am in the process of the yearly Turn Out Gear inventory.
- 12 pairs of training Turn Out gear were washed.
- Fire Company members were reminded to have their dress uniforms cleaned.

### **SERVICE AWARDS PROGRAM:**

Trustee R. Hull reported:

- Each year volunteer fire company members who earn at least 50 points based on call, drill and meeting attendance as well as training classes will have \$700 added into an interest bearing account.
- The Volunteer members who earned at least 50 points in 2009 have been complied and will be posted for a period of 30 days. After which a final report will be given to the board for approval.

### **INSPECTION & INSTALLATION:**

- Commissioner Woehrle reported that a good time was had by all who attended. In total 96 people attended the event in which the awards portion of the program was streamlined and only took 20 minutes from beginning to end. There were many positive comments about the venue, the food and service. The Grand Blvd. Fire Company members voted to hold next year's inspection/installation dinner at the Lighthouse – Restaurant at Water's Edge.
- Grand Blvd. Fire Company Treasurer Ray Hull gave the financial report for the dinner. in which the district's portion of the bill came to \$5,622.72 which included the dinners, \$750 in awards and \$72.72 for career members on duty. Ray stated that The GBFC paid the entire bill and requests reimbursement from the District.

## **FIRE STATION ADDITION/RENOVATION:**

Commissioner Nappi reported:

- Two public meetings have been held, January 30th and February 9th to present the renovation/addition proposal. Community feedback has been very positive. There have been two negative letters to the editor, both of which were based on either in-accurate information, lack of information, or assumptions. There have also been two positive letters to the editor and two articles published by the Schenectady Gazette that were very accurate in their depiction of the proposal.

Chief Lingenfelter reported:

- Over 40 residents have taken guided tours of the facility and have provided the committee with valuable feedback and very positive support for the proposal. A summary of the comments and concerns will be summarized and provided to the board when the tours have been completed.
- Resolutions are required for continuation of the SEQRA process, setting of the public hearing date and the bond vote date. Copies of the resolutions have been forwarded to us by the bond attorney.
- Dave Pacheco and I have been continuing to reach out to Senator Schumer's staff and Congressman Tonko's staff for project funding support.

## **REPORT OF THE CHIEFS:**

### **Chief Lingenfelter:**

- The Congratulations to GBFC award winners for 2009 Volunteer Lieutenant/Paramedic Josh Colvin, Firefighter of the Year and EMT Laura Toma, Rookie of the year.
- Healthcare plan cards for the prism plan have yet to be received. Denise Palyo has been contacted and advised employees to use their current HMO card until the new cards arrive. This has created some confusion with referrals which are required under the HMO plan but not under the prism plan.
- I was advised by retirees that the retirees were switched to the EPO plan by blue cross in error. The board was notified by email and Denise Palyo was contacted to resolve the issue. Currently all persons who were to remain on the HMO plan have been switched back to it. There will be some re-submission of claims necessary to correct those that were submitted during the transitions.
- According to Captain T. Congdon, the FETN Fire and Emergency Training Network system is up and running with good feedback. There have been approximately 80 hours of training and everyone has commented about the quality of the information being taught.
- We have completed the renewal process with DOH for our controlled substance program thru 1/31/12.
- Lt. Shane Sweet and FF Joe Congdon successfully completed their training at New Mexico Tech in Socorro, New Mexico for Incident Response to Terrorist Bombings program. They are now certified to instruct awareness level WMD training and will be working with Capt. Congdon to work the program into the department training.

### **Chief Elliott:**

- I am signed up to attend the ICS – 300 Command Course scheduled for March 2010 in Utica, NY and would like permission to utilize Car 428 for transportation and be reimbursed for meals. The room is being provided by New York State.

**Department Activity:**

	<u>2010</u>	<u>2009</u>	
<b>January Incidents:</b>	162	164	
EMS	118	113	
Fire/Other	44	51	
<b>YTD Incidents:</b>	162	164	(1/31)

<b>Other Activities:</b>	Emergency Callback:	17 hours
	Fire/EMS/Codes In-Service Training:	12 hours
	Fire Company Drill:	122 hours

**Report of the Niskayuna Permanent Fireman’s Association:** No Report.

**Report of the Grand Boulevard Fire Company:** No Report.

**OLD BUSINESS:** NONE

**NEW BUSINESS:**

At this time – 8:14 p.m. Commissioners Murray, Daly, Weitz, Nappi and Woehrle as The Lead Agency for the State Environmental Quality Review Assessment (SEQRA) reviewed the Full Environmental Assessment Form (Appendix A) in detail.

**Project Information**

Description of Action: New apparatus bays and firematic support spaces attached to the existing fire station. Approximately 9,602 sq. ft. (including storage mezzanine) associated drives, parking and site work. Total new footprint is 7,201 sq. ft. Renovation of existing 10,447 sq. ft. station including addition of sprinkler system, elevator, ADA accessible gender specific bathroom facilities, improvement of living, mechanical, electrical and plumbing infrastructure and energy efficient improvements. Demolition of existing vacant structure on property. Two properties totaling 1.01 acres (1079 Balltown Rd. = .82 +/- acres, 1073 Balltown Rd. = .19 +/- acres). Area of disturbance is approximately 0.5 acres.

**Site Description** – Physical setting of overall project, both developed & undeveloped areas.

- Question # 1 – Present land use? Answer - Residential
- Question # 2 – Total acreage? Answer - 1.01 acres

Presently - .42 acres meadows or brush (non-agricultural) After Completion - .27 acres  
Presently - .59 acres Road, buildings & other paved surfaces. After completion - .74 acres

- Question # 3 – What is predominant soil types on project site?

Answer - 70% of site well drained and 30% of site moderately well drained.

- Question # 4 – Are there bedrock outcroppings on project site? No.
- Question # 5 – Approximate percentage of proposed site with slopes?  
Answer - 0 -10% - 83 %; 10 -15% - 7 % ; 15% or greater – 10 %
- **Question # 6** – Is project substantially contiguous to, or contain a building, site or district listed on the State or National Registers of historic places?  
Answer – No. This question was discussed by the Board of Fire Commissioners and in a Document from The New York State Office of Parks, Recreation and Historic Preservation dated July 2, 2009 the OPRHP reviewed the project in accordance with the NYS Historic Preservation Act of 1980 and based on the review, “Is of the opinion that this project will have no impact upon-Cultural resources in or eligible for inclusion in the State and National register of Historic Places”.
- Question # 7 – Is project substantially contiguous to a site listed on the Register of National - Natural Landmarks? No.
- Question # 8 – What is the depth of the water table? Less than 10 feet.
- Question # 9 – Is the site located over a primary, principal or sole source aquifer? No
- Question # 10 – Do hunting, fishing or shell fish opportunities presently exist in the project area? No.
- Question # 11 – Does project contain any species of plant or animal life that is identified as threatened or endangered? No.
- Question # 12 – Are there any unique or unusual land forms on the project site? No.
- Question # 13 – Is the project site presently used by the community or neighborhood as an open space or recreation area? No.
- Question # 14 – Does the present site include scenic views known to be important to the community? No.
- Question # 15 – Streams within or contiguous to the project area? N/A
- Question # 16- Lakes, ponds, wet lands within or contiguous to the project area? N/A
- Question # 17- Is the site served by existing public utilities? Yes. Does sufficient capacity exist to allow connection? Yes.
- Question # 18 – Is the site located in an agricultural district certified pursuant to Agriculture & Markets Law, article 25 –AA, Section 303 and 304? NO.

- Question # 19 – Is the site located in or substantially contiguous to the critical Environmental Area designated pursuant to Article 8 of the ECL and 6 NYCRR 61? No.
- **Question # 20** – Has the site ever been used for the deposit of solid or hazardous waste? Commissioners Murray, Daly, Weitz, Nappi and Woehrlé answered – No.

1. Project Description – Physical dimensions and scale of project.

- 1A – Total contiguous acres owned or controlled by project sponsor? 1.01 acres
- 1B – Project acreage to be developed initially? .74 acres. Ultimately re-developed? .74 acres
- 1C – Project acreage to remain undeveloped? .27 acres.
- 1D – Length of project in miles? N/A.
- 1E – If this project is an expansion, indicate the percentage of expansion proposed. 15 %
- 1F – Number of off-street parking spaces existing. 21 Proposed? 28
- 1G – Maximum vehicular trips generated per hour? N/A.
- 1H – If residential, number and types of housing units? N/A.
- 1I – Dimensions in feet of largest proposed structure? 45 feet high, 67 feet width and 111 feet length.
- 1J – Linear feet of frontage along a public thoroughfare project will occupy is? 350 feet.

2. How much natural material (ie. Rock & earth) will be removed from the site? N/A

**3. Will disturbed areas be reclaimed?** Yes. As was discussed between the commissioners The intended purpose being reclaimed will be natural and landscaping.

4. How many acres of vegetation (trees, shrubs, ground cover) will be removed from the site?  
Answer - 0.15 acres.

5. Will any mature forest (over 100 years old) or other important vegetation be removed by this project? No.

**6. If single phase project, anticipated period of construction?** 14 months.(Including demolition).

7. Is the project multi-phased? N/A.

8. Will blasting occur during construction? No.

9. Number of jobs generated during construction? 50; After project is completed? Same as existing fire station.

10. Number of jobs eliminated by this project? Zero.

11. Will project require relocation of any projects or facilities? No.

12. Is surface liquid waste disposal involved? No.

13. Is sub-surface liquid waste disposal involved? No.

14. Will surface area of existing water body increase or decrease by proposal? No.
15. Is project or any portion of project located in a 100 year flood plain? No.
16. Will the project generate solid waste? Yes.
  - A. If yes, will an existing solid waste facility be used? Yes
  - B. Give name – County Waste Transfer 1927 Rt. 9 Clifton Park, NY 12065
  - C. Will any wastes not go into a sewage disposal system or into a sanitary landfill? No.
17. Will the project involve the disposal of solid waste? No – only construction debris.
18. Will the project use herbicides or pesticides? No.
19. Will the project routinely produce odors? No.
20. Will project produce operating noise exceeding the local ambient noise levels? No.
21. Will project result in an increase of energy use? Yes – The commissioners discussed the fact that the existing building will be increased due to energy improvements. However, additional square footage, although highly efficient, will increase overall usage of electricity & natural gas.
22. If water is supplied from a well, what is the pumping capacity? N/A.
23. Total anticipated water usage per day. Same as existing.
24. Does project involve local, State or Federal funding? Yes – Fire District Bond Referendum.
25. Approvals Required –
  - The commissioners discussed being exempt from the Town Planning Board and Town Zoning Board based on a letter sent to the Town of Niskayuna dated February 10, 2010.
  - The commissioners agreed that even if the District is exempt as discussed above, we would still allow a courtesy review of the planning of the renovation/addition project.

C. Zoning and Planning Information

1. Does proposed action involve a planning or zoning decision? No.
2. What is the zoning classification of the site? R-2 Medium Density Residential.
3. What is the maximum potential development of the site if developed as permitted by the present zoning? Existing non-classified use by zoning regulations (pre-existing non-conforming).
4. What is the proposed zoning of the site? R-2 Medium Density Residential.
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning? N/A.



6. Is the proposed action consistent with the recommended uses in adapted local land use plans? Same as existing.
7. What are the predominant land uses and zoning classifications within a ¼ mile of the proposed action? Residential and commercial.
8. Is the proposed action compatible with adjoining/surrounding land uses within ¼ mile? Yes.
9. If the proposed action is the subdivision of land, how many lots are proposed? N/A.
10. Will proposed action require and authorizations for the formation of sewer or water districts? No.
11. Will the proposed action create a demand for any community provided services? No.
12. Will the proposed action result in the generation of traffic significantly above present levels? No.

**The following Resolution was offered by Commissioner Daly and seconded by Commissioner Nappi.**

**RESOLUTION DETERMINING THAT THE NISKAYUNA FIRE STATION PROJECT PROPOSED BY THE NISKAYUNA CONSOLIDATED FIRE DISTRICT NO. 1 WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT**

**WHEREAS**, the Niskayuna Consolidate Fire District No.1(the “District”) has before it a project (the “Project”) consisting of: (1) the renovation of the existing approximately 10,447 square foot fire station at 1079 Balltown Road, Niskayuna, New York, which includes the addition of a sprinkler system, elevator, and ADA accessible gender specific bathroom facilities, as well as the installation of energy efficient improvements, including mechanical, electrical and plumbing infrastructure improvements; (2) the construction of an approximately 9,602 square foot addition (including a storage mezzanine) to the existing fire station to accommodate new apparatus bays and firematic support spaces, which shall also include the construction of associated drives, parking improvements and related site work; and (3) the demolition of the existing vacant residential structure on property located adjacent to the existing fire station at 1073 Balltown Road, Niskayuna, New York to make room for the proposed addition; and

**WHEREAS**, pursuant to Article 8 of the Environmental Conservation Law of the State of New York, as amended, and the regulations of the Department of Environmental Conservation of the State of New York promulgated thereunder (collectively referred to hereinafter as “SEQRA”), the District is required to make a determination whether the “action” (as said quoted term is defined in SEQRA) to be taken by the District may have a “significant impact on the environment” (as said quoted term is utilized in SEQRA) and the preliminary agreement of the District to undertake the Project constitutes such an action; and

**WHEREAS**, to aid the District in determining whether undertaking the Project may have a significant impact upon the environment, a Full Environmental Assessment Form (the “EAF”) has been prepared for the Project, a copy of which is attached here as Exhibit “A”, with a copy of the EAF on file at the office of the District; and

**WHEREAS**, the District has examined the EAF in order to classify the Project; and

**WHEREAS**, on January 13, 2010, the District adopted a resolution classifying the Project as an Unlisted Action (as that term is defined in SEQRA) and declaring its intent to act as lead agency for the purpose of conducting a coordinated environmental review of the Project; and

**WHEREAS**, on January 14, 2010, the District requested that each involved agency consent to the District’s desire to act as lead agency; and

**WHEREAS**, each of the involved agencies has consented to the District’s status as lead agency for the purpose of conducting a coordinated environmental review of the Project; and

**WHEREAS**, as a result of its careful review and examination of the Project, the District finds that, on balance, and after careful consideration of all relevant documentation, it has more than adequate information to evaluate all of the relevant benefits and potential impacts; and

**NOW, THEREFORE**, be it resolved by the members of the Niskayuna Consolidated Fire District No. 1 as follows:

(1) Based upon an examination of the EAF and the criteria contained in 6 NYCRR §617.7(c), and based further upon the District’s knowledge of the Project and Project area, and such further investigation of the Project and its environmental impacts as the District has deemed appropriate, the District makes the following findings and determinations with respect to the Project pursuant to SEQRA:

(A) The Project consists of the components described above in the first WHEREAS clause of this resolution; and

(B) The Project constitutes an “Unlisted Action” (as said quoted term is defined in SEQRA); and

(C) The District is the “Lead Agency” (as said quoted term is defined in SEQRA) with respect to an uncoordinated review of the Project pursuant to SEQRA; and

(D) The Project will not have a significant adverse effect on the environment, and the District hereby issues a negative declaration for the Project pursuant to SEQRA, a copy of which is attached hereto as Exhibit B.

(2) A copy of this Resolution, together with the attachments hereto, shall be placed on file in the office of the District where the same shall be available for public inspection during business hours.

(3) The District hereby authorizes the Secretary to sign the Negative Declaration on the District’s behalf.

(4) The District’s bond counsel is hereby authorized and directed to distribute copies of the Negative Declaration and to do such further things or perform such acts in accordance with SEQRA.

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

	<u>AYE</u>	<u>NAY</u>
Commissioner Murray	AYE	
Commissioner Daly	AYE	
Commissioner Weitz	AYE	
Commissioner Nappi	AYE	
Commissioner Woehrle	AYE	

**The foregoing resolution was thereupon declared duly adopted.**

STATE OF NEW YORK )  
 ) SS.:  
COUNTY OF SCHENECTADY )

I, the undersigned Secretary of the Niskayuna Consolidated Fire District No. 1, (the "District") **DO HEREBY CERTIFY** that I have compared the annexed extract of the minutes of the meeting of the District held on February 10, 2010 with the original thereof on file in my office, and that the same (including all exhibits) is a true and correct copy of the proceedings of the District and of the whole of such original insofar as the same relates to the subject matters referred to therein.

I **FURTHER CERTIFY** that, as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or rescinded.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the District this 19<sup>th</sup> day of February, 2010.

**Niskayuna Consolidated Fire District No. 1**

William J. Versocki  
William J. Versocki, Secretary

Motion/ Weitz, 2<sup>nd</sup>/ Daly: To allow Chairman Woehrle to act as the responsible office in The Lead Agency by signing the resolution determining that the Niskayuna Fire Station Project proposed by the Niskayuna Consolidated Fire district No. 1 will not have a significant effect on the environment pursuant to the State Environmental Quality Review Act. Passed 5-0.

At this time – 8:42 p.m. Commissioners Murray, Daly, Weitz, Nappi and Woehrle as The Lead Agency for the State Environmental Quality Review Assessment (SEQRA) completed their review the Full Environmental Assessment Form (Appendix A) .

**NEW BUSINESS CONTINUED:**

Motion/ Daly, 2<sup>nd</sup>/ Nappi: To adapt a resolution subject to permission referendum to authorize the expenditure of a sum not to exceed \$133,380.00 from the previously established Fire Apparatus Reserve Fund for the purchase of a 2010 Wheeled Coach Industries Ambulance with accessories. Passed 5-0.

Motion/ Murray, 2<sup>nd</sup>/ Nappi: To purchase radio communications equipment to complete our narrow band communications upgrade as required by the FCC and Schenectady County. The cost of equipment not to exceed \$13,000 as budgeted and are available on NYS contract pricing. Passed 5-0.

Motion/ Nappi, 2<sup>nd</sup>/ Murray: To make payment to The Grand Blvd. Fire Company \$5,622.72 for the District's portion of The Inspection/Installation dinner on January 30, 2010 at The Lighthouse Restaurant. Passed 5-0.

Motion/ Nappi, 2<sup>nd</sup>/:Murray: To allow Chief Elliott to utilize C-428 to travel to Utica, NY to attend the IC- 300 course (incident command) and pay meals for training on March 19 – 21, 2010.Passed 5-0.

- **Commissioner Daly presented the following resolution and moved that it be adopted:**

**BOND RESOLUTION DATED FEBRUARY 10, 2010 OF THE BOARD OF FIRE COMMISSIONERS OF THE NISKAYUNA FIRE DISTRICT #1 AUTHORIZING NOT TO EXCEED \$4,787,000 AGGREGATE PRINCIPAL AMOUNT OF SERIAL GENERAL OBLIGATION BONDS TO FINANCE THE ADDITIONS TO AND RECONSTRUCTION OF A FIRE STATION THEREON, AT AN ESTIMATED MAXIMUM COST OF \$4,887,000, LEVY OF TAX IN ANNUAL INSTALLMENTS IN PAYMENT THEREOF, THE EXPENDITURE OF SUCH SUM FOR SUCH PURPOSE, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.**

BE IT RESOLVED BY THIS BOARD OF FIRE COMMISSIONERS AS FOLLOWS:

Section 1. The Fire District shall construct an addition to and reconstruct the existing fire station, including site work, acquire original furnishings, equipment, machinery or apparatus required for the purpose for which such building is to be used and demolish the existing vacant residential structure on property located adjacent to the existing fire station, at an estimated maximum cost of \$4,887,000, as more particularly described in Section 3 hereof.

Section 2. The Fire District is hereby authorized to issue its serial general obligation bonds (the “Bonds”) in the aggregate principal amount of not to exceed \$4,787,000 pursuant to the Local Finance Law of New York, in order to finance the class of objects or purposes described herein.

Section 3. The class of objects or purposes to be financed pursuant to this Resolution (the “Purpose”) is the (1) the reconstruction of the existing approximately 10,447 square foot fire station at 1079 Balltown Road, Niskayuna, New York, which includes the addition of a sprinkler system, elevator, and ADA accessible gender specific bathroom facilities, as well as the installation of energy efficient improvements, including mechanical, electrical and plumbing infrastructure improvements; (2) the construction of an approximately 9,602 square foot addition (including a storage mezzanine) to the existing fire station to accommodate new apparatus bays and firematic support spaces, which shall also include the construction of associated drives, parking improvements and related site work; and (3) the demolition of the existing vacant residential structure on property located adjacent to the existing fire station at 1073 Balltown Road, Niskayuna, New York to make room for the proposed addition, including site work, and acquisition of original furnishings, equipment, machinery or apparatus required for the purpose for which such building is to be used.

Section 4. It is hereby determined and declared that (a) the maximum cost of the Purpose, as estimated by the Board of Fire Commissioners, is \$4,887,000, (b) no money has heretofore been authorized to be applied to the payment of the cost of the Purpose , other than certain authorizations for the payment of certain necessary pre-vote soft costs, and (c) the Fire District plans to finance the

cost of the Purpose from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to and the expenditure of not to exceed \$100,000 from the Building Reserve Fund, if needed.

Section 5. It is hereby determined that the Purpose is one of the class of objects or purposes described in Subdivision 12(a)(1) of Paragraph a of Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Purpose is fifteen (15) years.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the sale of the Bonds, including renewals of such notes, is hereby delegated to the Treasurer of the Fire District, the chief fiscal officer.

Section 7. The power to further authorize the issuance of the Bonds and bond anticipation notes and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the use of substantially level or declining debt service, subject to the provisions of this Resolution and the Local Finance Law, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Treasurer of the Fire District. The Treasurer of the Fire District is hereby authorized to sign and the Secretary is hereby authorized to attest any Bonds and bond anticipation notes issued pursuant to this Resolution, and the Secretary is hereby authorized to affix to such Bonds and bond anticipation notes the corporate seal of the Fire District.

Section 8. The faith and credit of the Niskayuna Fire District #1, Niskayuna, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall be levied annually on all taxable real property of the Fire District, a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 9. This Resolution shall constitute the Fire District's "official intent", within the meaning of Section 1.150-2 of the Treasury Regulations, to finance the cost of the Purpose with the Bonds and notes herein authorized. The Fire District shall not reimburse itself from the proceeds of the Bonds or notes for any expenditures paid more than sixty days prior to the date hereof, unless specifically authorized by Section 1.150-2 of the Treasury Regulations.

Section 10. This Resolution, when effective, shall be published in full by the Secretary of the Fire District together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in each official newspaper of the Fire District. The validity of the Bonds or of any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested only if such obligations are authorized for an object or purpose for which the Fire District is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this Resolution are not



NOW THEREFOR BE IT RESOLVED by the Board of Fire Commissioners that a special meeting of the qualified voters of the Fire District is called to be held in the Niskayuna Town Hall, 1 Niskayuna Circle, Niskayuna, New York, on Tuesday, March 23, 2010 from 9:00 a.m. until 9:00 p.m. prevailing time for the purpose of voting on the following proposition:

Shall the Board of Fire Commissioners bond resolution adopted on February 10, 2010 be approved as follows: the Niskayuna Consolidated Fire District No.1 is hereby authorized to (A) (1) construct an addition to and reconstruct the existing fire station, including site work, acquire original furnishings, equipment, machinery or apparatus required for the purpose for which such building is to be used, and demolish the existing vacant residential structure on property located adjacent to the existing fire station, at an estimated maximum cost of \$4,887,000 (including \$100,000 available in the Building reserve Fund, if needed), (B) expend such sum for such purpose, (C) levy the necessary tax therefor, to be levied and collected in annual installments in such years and in such amounts as may be determined by the Board of Fire Commissioners, and (D) in anticipation of the collection of such tax, issue bonds and notes of the Fire District at one time or from time to time in the principal amount not to exceed \$4,787,000, and levy a tax to pay the interest on said obligations when due?

The vote upon such proposition shall be by the new voting machine ballots. The hours during which the polls shall be kept open shall be from 9:00 a.m. to 9:00 p.m. prevailing time or for as long thereafter as necessary to enable qualified voters who are in the polling place at 9:00 p.m. to cast their ballots.

BE IT FURTHER RESOLVED, that the individuals listed below (each of whom is a registered voter of the Town and is not an elected officer of the Fire District) shall act in the following capacities at the special meeting and shall be paid the amount specified in Section 175 of the Town Law:

Winton Fox	Chairman
Robert Kordrupel	Election Inspector/Ballot Clerk
Anne Elliott	Ballot Clerk
Kim Versocki	Ballot Clerk

BE IT FURTHER RESOLVED, that a notice of such meeting shall be published in one or more newspapers of general circulation within the Fire District in accordance with applicable law.

BE IT FURTHER RESOLVED, that this resolution takes effect immediately upon its adoption.

The Motion having been duly seconded by Commissioner Nappi,

it was adopted and the following votes were cast:

AYES

NAYS

Commissioner Murray  
Commissioner Daly  
Commissioner Weitz  
Commissioner Nappi  
Commissioner Woehrle

STATE OF NEW YORK )

) ss.:

COUNTY OF SCHENECTADY )

I, the undersigned Secretary of the Board of Fire Commissioners of the Niskayuna Fire District No.1, DO HEREBY CERTIFY AS FOLLOWS:

1. A Regular Meeting of the Board of Fire Commissioners of the Niskayuna Fire District No.1, State of New York, was held on February 10, 2010, and Minutes of said meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of said Board.

2. I have compared the attached Extract with said Minutes so recorded and said Extract is a true copy of said Minutes and of the whole thereof insofar as said Minutes relative to matters referred to in said Extracts.

3. Said Minutes correctly state the time when said Meeting was convened and the place where such Meeting was held and the members of said Board who attended said Meeting.

4. Public Notice of the time and place of said Meeting was 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 the 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.

IN WITNESS WHEREOF, I have hereto set my hand and have hereunto affixed the corporate seal of the Niskayuna Consolidated Fire District No.1 this 18<sup>th</sup> day of February, 2010.

  
Secretary

**Chairman Woehrle reminded everyone that the Public Meeting for the proposed bond vote will be held on March 9, 2010 beginning at 7:00 p.m. at the Niskayuna Town Hall. Please show up 15 – 20 minutes early.  
The Commissioners discussed ground rules for the public meeting.**

MOTION Nappi/SECOND Daly: To adjourn the meeting at 9:21 p.m. Passed 5-0.

**The next Regular Meeting is Wednesday, March 10, 2010 at 7:00 p.m.**

Respectfully submitted,

  
District Secretary