

**Stillwater Town Board
Agenda Meeting
January 3, 2008 7:00PM
Stillwater Town Hall**

Present: **Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Lisa Bruno
Councilwoman Virginia Whitman
Supervisor Shawn Connelly**

Also present: **Sue Cunningham, Town Clerk
Mark Minick, Supt of Highways
James Trainor, Attorney for the Town
Joe Lanaro, Engineer for the Town**

Note: The Swearing-in-Ceremony for the new Elected Officials was held on Sunday, December 30, 2007. Sworn in were Shawn Connelly, Supervisor; Virginia Whitman & Lisa Bruno, Councilwoman; Leo Purvis, Tax Collector; and Lawrence Whalen, Town Justice.

Supervisor Connelly called the meeting to order and led everyone in the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

Adoption of Minutes: **Motion** by Councilman Baker and seconded by Councilwoman Whitman to adopt the minutes of the December 6, 2007 Business Meeting of the Stillwater Town Board.
Motion carried.

Communications: None

Reports/Resolutions (Town Board Members & Dept Heads)

Supervisor Connelly

Tax Bills: Supervisor Connelly reported that the tax bills were sent out on January 3rd because the previous administration failed to mail the tax bills out. In light of this the Town board will act on a resolution this evening extending the due date until February 7, 2008 without penalty or interest.

Councilman Petronis

Town Hall: Councilman Petronis stated that there was an incident in the boiler room with a broken housing which was found by John Curtis, Highway employee. He stated that Johnson Controls was notified and the problem has been fixed.

Councilman Baker

Councilman Baker had nothing at this time.

Councilwoman Bruno

Community Center: Councilwoman Bruno reported on the Town Christmas party for the kids held at the Stillwater Community Center.

Councilwoman Whitman

Highway & Water: Councilwoman Whitman stated that as a member of the Highway Committee she did meet with the Supt. Minick to get an update on the Water Districts and the construction of Cold Springs Rd Corridor. She stated she was concerned over the new rates and wanted to make sure the new rates were out there and that the people were made aware of this.

Correspondence: Councilwoman Whitman stated that she appreciates correspondence from residents but wishes that the people would leave their name so that she can get back to them.

Procurement Policy: Councilwoman Whitman stated that she has concerns regarding the procurement policy and feels that it needs to be reviewed. She requested that the Supervisor form a committee to set up a personnel policy and would like to see that policy in place by May 1, 2008.

Councilwoman Whitman asked the Town Clerk if there was any Resolution in place in regard to sick, personal & vacation time that appointed employees would receive.

Sue Cunningham stated that there is no resolution in place at this time. She stated that when she hired her clerk she gave her clerk two weeks to be used however she wanted and than after being there two years she would add on additional time.

Councilwoman Whitman requested that the Board do a resolution at the business meeting giving new employee's time off which could be rescinded when they have a personal policy.

Audit: Councilwoman Whitman stated that she would like to see a full audit done on the Building Department for last year. She stated that there are things that can not be found and would like to see an audit.

Debt: Councilwoman Whitman stated that she will oppose any new debt in the future until they receive an updated debt from Mr. Malecki, Bond Attorney.

Town Attorney (James Trainor)

Attorney Trainor commented that he was happy to be the new Attorney for the Town.

Town Engineer (Joe Lanaro)

Engineer Lanaro submitted a report to the Board Members and briefly went over the report. (A copy is filed in the Town Clerks office for anyone wishing to review).

Councilwoman Whitman inquired about the grant for the Multi-Use Trail and payments made to Delsignore Blacktopping.

Engineer Lanaro stated that the grant is a reimbursement program. He said money was borrowed to advance the design and construction of the project and as bills are received and paid then they prepare an application on the behalf of the Town and submitted for reimbursement.

Supt of Highways (Mark Minick)

Plowing: Supt Minick stated that they have been plowing and there was an unfortunate minor accident with a vehicle at the intersection of Route 4 and VanBuren Ave. He said that the insurance company has been notified and no tickets were issued.

Councilwoman Whitman inquired if there was a ten ton limit on Halfway House Rd and if they have a permit. She also requested that the police patrol the road for speeding.

Supt Minick stated that there is a ten ton limit and that they don't have a permit.

Town Clerk (Sue Cunningham)

Sue Cunningham, Town Clerk had nothing at this time.

Supervisor Connelly read the Town Board Committees at this time.

Committees

Water:	Petronis/ Whitman
Sewer:	Baker/ Petronis
Highway:	Petronis/ Whitman
Historical:	Bruno/ Whitman
Police Commission:	Connelly/Petronis/Bruno
Buildings & Grounds:	Baker/ Petronis
Library:	Bruno/Baker
Elections:	Whitman/Baker
Planning & Zoning:	Petronis/Bruno
Promotions & public Relations:	Whitman/Bruno
Parks & Recreation:	Baker/Petronis
Capital Projects:	Petronis/Whitman
Community Center:	Baker/Bruno
Lighting:	Whitman/Bruno
Landfill, Refuse & Recycling:	Bruno/Whitman

Agenda items (Resolution #1-6)

Resolution #1:

The Town Board shall meet at Town Hall on the first Thursday of each month to prepare the agenda for the monthly business meeting; and

The Town Board shall meet at Town Hall on the third Thursday of each month to conduct the Business of the Town; and

The Supervisor may determine to commence a meeting at 6:00 p.m. for the purpose of conducting an executive session, and, in such event, the Town Clerk shall publish appropriate notice; and

The Town Planning Board shall meet at Town Hall on the first and third Mondays of each month at 7:30 p.m.; and

The Town Zoning Board of Appeals shall meet at Town Hall on the fourth Monday of each month at 7:30 p.m.; and

The Schenectady Gazette is hereby designated as the official newspaper of the Town of Stillwater for 2008; and

Ballston Spa National Bank, Stillwater branch, is hereby designated as the official depository of all Town of Stillwater funds for the year 2008; and

For the year 2008, Councilman Arthur Baker is hereby appointed to the office of Deputy Supervisor, and, in the event of the Supervisor's absence or inability to act, the Deputy Supervisor shall preside, when present and shall have all the duties and powers of the Supervisor; and

The following Town employees shall be paid on a biweekly basis:

Supervisor, Highway employees, Superintendent of Highways, Town Historian, Assessor, Assessor's Clerk, employees of the Office of Fiscal Management, Town Clerk, Deputy Town Clerk and employees of the Police Department; and

The remaining Town employees shall be paid on a monthly basis on the last Thursday of the month; and

Raymond Abbey is hereby appointed as Building Inspector-Code Enforcement Officer, at an annual salary of \$52,000.00; and

Barbara L. McManus is hereby appointed as Deputy Town Clerk at an annual salary of \$20,000.00; and

The Town Clerk is hereby designated as the Registrar of Vital Statistics at an annual salary of \$1,000.00; and

The Deputy Town Clerk is hereby designated as the Deputy Town Registrar of Vital Statistics at no compensation; and

The Town Clerk is hereby designated as the person responsible for the issuance, amendment and cancellation of licenses, and the collection, utilization and transmission of fees in the operation of games of chance, at no additional compensation; and

The Chief of Police is hereby assigned the responsibility and the authority to conduct investigations and hearings into illegal games of chance; and

The Chief of Police is hereby authorized to supervise legal games of chance at no additional compensation; and

All elected Officials and approved employees as designated by the Town Board are authorized to attend the annual training conference conducted by the Association of Towns in New York City during the month of February, 2008; and

Shawn Connelly, Supervisor is hereby designated as the official voting delegate at the 2008 annual training conference conducted by the Association of Towns; and

Arthur Baker, Councilman is hereby designated as the alternate voting delegate for the 2008 annual training conference conducted by the Association of Towns; and

The official mileage rate for the Town of Stillwater is \$0.505 per mile in accordance with current IRS regulations; and

Annetta Melber is hereby reappointed as a member of the Saratoga County Office of the Aging Advisory Board for 2008 for no compensation; and

The Supervisor is authorized to enter into a contract with James P. Trainor, Esq. and the law firm of Cutler, Trainor & Cutler, LLP to serve as attorneys for the Town and shall be paid annual retainers of \$26,000.00, \$7,000.00 and \$7,000.00, payable biweekly, for personal services rendered to the Town Board, Planning Board and Zoning Board of Appeals, respectively; and

Additional legal services, including, but not limited to litigation, etc. shall be payable to James P. Trainor, Esq. and the law firm of Cutler, Trainor & Cutler, LLP on an hourly basis and further provided for in the aforementioned contract; and

The Supervisor is hereby authorized to enter into a contract with the Chazen Companies to provide basic engineering services for the Town and shall be paid annual retainers of \$26,000.00, \$14,500.00 and \$6,500.00, payable biweekly, for personal services rendered to the Town Board, Planning Board and Zoning Board of Appeals, respectively; and

Additional engineering services by the Chazen Companies shall be further provided for in the aforementioned agreement; and

That Joseph Urkevich is hereby appointed as alternate Custodian of Town Hall at a salary of \$9.37 per hour; and

The Town Clerk is hereby designated as a records access officer pursuant to the Freedom of Information Law requirements at an annual salary of \$1,800.00; and

R. Clayton Russom is hereby appointed as Animal Control Officer at an annual salary of \$6,500.00; and

The Town Tax Collector is authorized to hire a Deputy Tax Collector at an annual salary of \$1,500.00; and

Jo Ann Winchell is hereby appointed to serve as Chair of the Planning Board, with compensation of \$80.00 per meeting, and is to fulfill the unexpired term of Edward Richardson, through December 31, 2009; and

Carol Merotta is hereby appointed to serve as a member of the Planning Board to fulfill the unexpired term of Michael VanPatten, through December 31, 2008; and

John Murray is hereby appointed to serve as a member of the Planning Board to fulfill the unexpired term of Thomas Rinaldi, through December 31, 2014; and

James Ferris is hereby designated as Chair of the Zoning Board of Appeals for the year 2008 with compensation of \$80.00 per meeting; and

William Ritter is hereby appointed to serve as a member of the Zoning Board of Appeals to fulfill the unexpired term of Frank Bisnett, through December 31, 2009; and

Margaret MaGuire is hereby appointed as Billing Clerk for the Town's Sewer and Water Districts at annual salaries of \$650.00 and \$2,400.00 respectively; and

The Town Clerk shall receive an additional annual salary of \$1,800.00 for receiving and collecting all water and sewer payments, permit fees and other fees and charges payable to the Town for 2008; and

SPA.NET is hereby designated as the Town of Stillwater Web Developer and Administrator for the year 2008 at a cost not to exceed of \$3,600.00; and

Linda Palmieri is hereby appointed as Town Historian at an annual salary of \$23,700.00; and

Linda Sanders is hereby appointed as Deputy Town Historian at an annual of \$2,000.00; and

William Mallard and Andrew Zurlow be reappointed as members of the Saratoga County Youth Advisory Board at no compensation; and

The Superintendent of Highways is hereby authorized to designate a Deputy Superintendent of Highways at no compensation; and

The following individuals are hereby appointed as Town employees in the Highway Department for the year 2008:

*Mike Simoncavage, Working Foreman
Robert Wood, Senior Heavy Equipment Operator
John Curtis, Machine Equipment Operator/Water
Nick D'Agostino, Machine Equipment Operator
Bill Doughty, Machine Equipment Operator
Mike Garland, Machine Equipment Operator
Kevin Margosian, Machine Equipment Operator
Mike Marshall, Heavy Equipment Operator
James Gerardi, Machine Equipment Operator
Jim Marshall, Heavy Equipment Operator Plus
James Murphy, Machine Equipment Operator
William Neilson, Machine Equipment Operator
Steve Svendsen, Heavy Equipment Operator/Mechanic
Scott Paffen, Machine Equipment Operator
Dan Estill, Machine Equipment Operator
Margaret "Meg" McGuire, Typist
Karen Minick, Deputy Superintendent of Highways
and*

Pursuant to Section 284 of the New York State Highway Law, the Town Board hereby approves of the expenditure of \$1,027,950.00 for the repair and improvement of 60.15 miles of highways, sluices, culverts and bridges having a span of less than 5 feet and boardwalks and renewals thereof, such monies to be paid out by the Supervisor on vouchers approved by the Town Superintendent of Highways in accordance with a written agreement therefore; and

The Supervisor is authorized to enter into a contract with Cusack & Company to conduct a financial audit of the Town for fiscal year 2007, to be completed no later than September 30, 2008 at a cost not to exceed \$11,700.00; and

The Town Clerk is designated, as the Records Appeal Officer, to hear appeals from the denial of access to public records by the Records Access Officer in accordance with Freedom of Information Law requirements; and

The Supervisor is hereby authorized to hire Barbara Whitcher as Bookkeeper for the Town at an annual salary of \$36,000.00; and

The Supervisor is hereby authorized to hire Natyssa Taras as Confidential Secretary at an annual salary of \$23,660.00; and

The Board of Directors for the Stillwater Community Center is hereby authorized by the Town Board to submit grant applications and seek funding opportunities to improve the Community Center; and

Andrew Walts is hereby appointed as the Town of Stillwater 911 Coordinator at an annual salary of \$4,800.00; and

Sheila Silic is hereby appointed as the Secretary for both the Planning Board and the Zoning Board of Appeals, to include setting up the meeting agendas for both Boards, at an annual salary of \$4,400.00; and

Sheila Silic is hereby appointed as the Administrative Assistant to the Office of the Assessor, at an annual salary of \$19,260.00 for 19.5 hours per week; and

Susan Petronis and Lorraine Buchal are hereby appointed as Court Clerks at a compensation not to exceed \$13.00 per hour each; and

The office of Building Inspector-Code Enforcement Officer is hereby established in the place of the Department of Building, Planning and Development, which department is hereby dissolved, and Local Law No. 1 of 2007 establishing such department is hereby rescinded; and

The Supervisor is hereby authorized to enter into a contract with Paul M. Malecki, Esq. to serve as Bond Counsel to the Town of Stillwater for the year 2008 and shall be paid on an hourly basis as provided for in the agreement.

Resolution #2: Authorizing the Supervisor to accept and award a contract to G A Bove Fuels to supply fuel and heating oil to the Town of Stillwater for the year 2008

Resolution #3: Appointing Robert Palmieri as the Town of Stillwater Fire Marshall at an annual salary of \$4,800 effective January 1, 2008

Resolution #4: Appointing Christine Robbins as the Administrative Assistant to the Building Inspector-Code Enforcement Officer at an annual salary of \$23,660.00 effective January 1, 2008.

Resolution #5: Authorizing the Planning, Zoning and Building Department personnel to attend a Planning & Zoning Workshop in Saratoga Springs.

Resolution #6: Authorizing the Tax Collector to publish a legal notice allowing Town residents to pay their Town & County tax bill up until February 7, 2008 without penalty or interest.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #1, #2, #3, #4, #5 & #6 in a block.

Councilwoman Bruno requested Resolution #3 be pulled for a separate vote.

Councilwoman Whitman requested Resolution #4 be pulled for a separate vote.

A roll call vote was taken as on Resolutions #1, #2, #5 & #6 as follows.

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Bruno	Yes
Councilwoman Whitman	Yes
Supervisor Connelly	Yes

Motion carried. Resolutions #1, #2, #5, & #6 were adopted unanimously. (Copy attached and made part of the minutes).

Resolution #3 (Stillwater Fire Marshal)

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #3.

Discussion: Councilwoman Bruno stated that this was nothing personal but unlike all the other paid position interviews were held except for this position.

Councilman Petronis stated that with the position it was felt that no interview was needed and they already recommended him.

A roll call vote was taken on Resolution #3 as follows.

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Bruno	No
Councilwoman Whitman	Yes
Supervisor Connelly	No

Motion carried. Resolution #3 was adopted by a 3 to 2 vote. (Copy attached and made part of the minutes).

Resolution #4 (Administrative Assistant to the Code Enforcement Officer)

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #4.

A roll call vote was taken on Resolution #4 as follows:

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Bruno	Yes
Councilwoman Whitman	Abstain
Supervisor Connelly	Yes

Motion carried. Resolution #4 was adopted by a 4 to 1 vote. 1 abstain (Copy attached and made part of the minutes)

Public Input

Resident I commented on the Multi Use Trail in regard to the Empire State Grant and any amendments to the grant.

Councilman Baker stated that from what he understands it was denied.

Supervisor Connelly stated that he is still looking through things.

Resident I commented on a copy of the general history ledger report on the project and questioned the different grants.

Engineer Lanaro stated that there is a Multi Model Grant and that the original budget included some provisions for an Empire Grant and a portion was to come out of the parks & recreation budget line item.

Resident I stated that what he has learned is that the Empire Grant did not allow for the purchase of the property, the demolishing of the house and that no Town employee shall receive any financial benefits from the Empire Grant. He commented that an employee did receive compensation for his professional duties as a realtor. He stated that he did file a code of ethics complaint regarding this matter with the Town Clerk.

Councilwoman Whitman stated that she has seen the report on the expenditures for the trail. She stated that she has some concerns and they need time to look into the matter.

A discussion was held on the cost, contracts, work already done and resolutions needed for any changes in the contract.

Resident I inquired if a survey was done on the property.

Engineer Lanaro stated that a survey & wetland delineation was done and the corners were staked.

Supervisor Connelly stated that he knows there was talk of an amendment, he has spoken with Senator Bruno's office and it is being looked into.

Resident I stated that the purchase of 5 Campbell Rd was always said to be \$90,000 but from what he has been able to obtain the actual price was approximately \$116,000.

Resident II inquired about Water District #4, the status of the court action and who would be handling the lawsuit.

Attorney Trainor stated that he would be meeting with Attorney Beebe to discuss the status of the lawsuit...

Resident II stated that when they put in Water District #4 down Halfway House most of the people on that road were not aware of the line going in. He stated that he felt insufficient notice was given to the residents and that putting a legal notice in the paper was not enough, not everybody sits and reads the legal notices. He requested that the Town Board continue to look into the possibility of finding other funding sources to cut some of the cost to the residents.

Councilman Baker stated that they were going to look into whether they could consolidate the two districts.

Resident III inquired if any reimbursement money has been received the Multi-Model grant.

Engineer Lanaro stated that he believes one application has been submitted for some reimbursement and that it takes several weeks before receiving any funding back.

Resident IV inquired if it was possible to change the Town paper to the Gazette.

Councilman Baker stated that they did that in the re-organizational meeting of the Town.

Resident IV stated that they were going to try and have an Open Space meeting in the 2nd week of March.

Resident V inquired if they would consider putting a microphone on the podium so that the people in the back can hear.

Supervisor Connelly stated that they were working on that.

Resident V commented on Water District 4 ext 1 and inquired about the right of way.

Councilman Baker stated that the right of way has not been settled.

Motion by Councilwoman Whitman and seconded by Councilman Baker to pay the audited claims.

General
Highway
Town Outside
Water & Sewer
Capital Projects

Motion carried.

Motion by Councilman Baker and seconded by Councilwoman Whitman to adjourn into executive session at 7:50 for litigation. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk