

Stillwater Town Board
Business Meeting/ Public Hearing
ATV Local Law & Zoning Code Amendments
January 19, 2012 7:00 PM
Stillwater Town Hall

Present: **Councilman Artie Baker**
 Councilman Ken Petronis
 Councilwoman Lisa Bruno
 Councilwoman Virginia Whitman
 Supervisor Ed Kinowski

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

Public Hearing Proposed ATV Local Law
Supervisor Kinowski called the meeting to order and led everyone in the Pledge to the Flag.

Supervisor Kinowski gave a brief explanation as to how this proposed local law was generated. He stated that a few residents were having trouble with their neighbors who built a track for riding their ATV and are riding their ATV at all hours creating a disturbance.

Sue Cunningham, Town Clerk stated that she had petitions signed by sixty two residents who objected to the proposed local law and a letter from W. Carpenter a town resident objecting to the proposed local law. (Petition & letter will be on file with the Town Clerk)

Stan H stated that his ATV is licensed & registered and spoke against the proposed local law.

Kevin B stated that he does not own an ATV but opposes the proposed local law. He commented on traffic laws already in effect, the language of the proposed local law and felt that the existing State laws were adequate.

Jason E submitted petitions with 80 signatures of residents who oppose the proposed local law. He spoke against the proposed local law and thought they should concentrate on other areas such as slowing down traffic or bikes & trucks with loud pipes that affects everyone and not just a few residents.

Edward G commented on his son who has a handicap and the proper permits to ride his ATV. With this local law what is to stop him from being harassed for riding his ATV. Supervisor Kinowski stated that this local law does not supersede any higher entity.

Art F requested an explanation of what this was all about.
Supervisor Kinowski stated that this was brought up at the last meeting and a copy of the proposed local law has been available in the Town Clerk's Office for review.

John V spoke against the proposed local law and thought that these laws should be left up to motor vehicle to handle not the town.

Matt F spoke against the proposed local law. He uses his ATV for fishing, hunter and pleasure and most of the time he would be in violation. He stated that because of one bad situation a local law is being proposed that will affect all residents. He asked for the Town Board support the residents by passing a fair law and not to pass what is being proposed this evening.

Barry T suggested that the Town Board focus on a noise ordinance and not an ATV law.

Ed G commented that some communities look for areas and people to ride in their communities because of the revenue it brings in.

Mark M stated that he was personally against the proposed local law. There are enough laws and people need to be able to enjoy riding their ATV's.

A resident spoke against the proposed law and asked the Town Board not to pass this.

Jason E inquired if this proposed local law would be addressed again.

Supervisor Kinowski stated that if the Town Board wishes they could vote on it this evening.

Marty D inquired as to the age of the ones who are creating the disturbance.

Supervisor Kinowski stated that they are just kids but the parents allow it.

Supervisor Kinowski stated that Malta & Stillwater residents were having problems with noise coming from Global Foundries which they are trying to correct. The ATV disturbance come down to noise, they tried talking to the parents and its difficult to address because on how it impacts each resident.

Stan H commented on the noise from the rail yard and how that is not going to go away.

Marty D inquired on the cost of a meter to monitor noise.

Supervisor Kinowski stated that he was unsure of the cost but if they had to then they would have to buy one.

With everyone having the opportunity to comment Supervisor Kinowski closed the public input of the public hearing at 7:40 pm.

Councilman Petronis suggested that they take a vote on this now.

Resolution #7

Adopting Local Law 1 of 2012
A Local Law Regulating Off Road Vehicle Use
And Repealing Local Law No. 2 of 1985
And Local Law No. 1 of 2002

Introduced by: Supervisor

WHEREAS, the Town Board is aware of a need to regulate off road vehicle use within the Town limits for the safety of its citizens, yet realizes that laws requiring registration of such vehicles are hard to administer and those regulating noise are difficult to enforce; and

WHEREAS, a public hearing was held on January 19, 2012, at which comments from the public were considered;

Now, therefore, be it

RESOLVED, that Local Law 2 of 2012, a copy of which is attached hereto, is hereby adopted; and be it further

RESOLVED, that Local Law No. 2 of 1985 and Local No. 1 of 2002 are hereby repealed; and be it further

RESOLVED, that the Town Clerk is directed to file the adopted Local Law with the New York State Department of State forthwith.

Discussion: Councilwoman Bruno stated that this was redundant and they did not need it. Supervisor Kinowski stated that he was not for this but the Town has some laws on the books that need amending.

Councilman Petronis stated that when this was brought to his attention a couple of years ago he was against it and that he still was.

Councilwoman Whitman agreed with the other council members and thought there were too many laws on the books now.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #7.

Supervisor Kinowski	No
Councilman Baker	No
Councilman Petronis	No
Councilwoman Bruno	No
Councilwoman Whitman	No

Motion defeated. Resolution #197 was defeated unanimously.

7:45 pm Public Hearing Zoning Amendments

Supervisor Kinowski gave a brief explanation of how the changes came about.

Jim B stated that he welcomes commerce and that it would be good for all. He has felt the rail truck traffic, it is continuance and the impact to residents in the area is horrible. He has concerns with the traffic regarding speeding and doesn't see any police patrols in the area.

A discussion was held on police patrols with the resident stating that they never see patrols at all.

Supervisor Kinowski stated that he has been in contact with the rail yard about the braking, traffic and he will request that the town police patrol the area more.

Art F inquired if DA Collins has anything planned.

Supervisor Kinowski stated that at this point they will be going before the planning board.

With everyone having the opportunity to comment on the zoning amendments Supervisor Kinowski closed the public hearing at 7:55 pm.

Regular Business Meeting

Appointment: Sue Cunningham, Town Clerk appointed Barbara McManus as the Deputy Town Clerk.

Adoption of Minutes: **Motion** by Councilwoman Whitman and seconded by Councilman Petronis to adopt the Town Board minutes of December 15, 2011. **Motion carried.**

Agenda Items Resolutions #5-#9

**Resolution #5 Authorizing the Supervisor to
Enter into a Contract with the
Stillwater Free Library**

Introduced by: _____ Supervisor _____

WHEREAS, the Stillwater Free Library provides free library service to all residents in the Town; and

WHEREAS, at the November 2003 general election the Town residents approved an annual appropriation of \$127,360.00 for the support of the library; and

WHEREAS, the Attorney for the Town has reviewed the contract between the Town and the Stillwater Free Library to provide for the disbursement of Town funds to the Stillwater Free Library for the year 2012; and

WHEREAS, the Town Board has reviewed the contract and approves of its execution;

Now, therefore, be it

At least 50% but less than 60%	55%
At least 60% but less than 70%	65%
At least 70% but less than 80%	75%
At least 80% but less than 90%	85%
At least 90% but less than 100%	95%
100%	Reduced to 0

NOW, THEREFORE, BE IT

RESOLVED by the Town Board of the Town of Stillwater in regular session duly convened as follows:

1. The Town of Stillwater, Saratoga County, New York pursuant to the provisions of Part G of Chapter 56 of the Laws of 2011 known as the Hurricane Irene and Tropical Storm Lee Assessment Relief Act (the “Act”) does hereby authorize implementation of the local option contained in said Act.
2. The Supervisor of the Town of Stillwater on behalf of the Stillwater Town Board be and hereby is authorized to publicize the ability of property owners of the Town to submit a written request to the Assessor on or before March 8, 2012 to obtain the relief offered by said Act.
3. The Assessor of the Town be and hereby is authorized to review and written requests received on or before March 8, 2012 to obtain the relief offered by said Act.
4. The Board of Assessment Review of the Town be and hereby is authorized to review any complaints received regarding the determination of the Assessor as to relief pursuant to the Act.
5. The Supervisor be and hereby is authorized and directed after audit and approval by the Town Board to pay any refunds approved by the Assessor and/or Board of Assessment Review from contingency funds contained in the 2012 General Funds budget of the Town.
6. This resolution shall take effect immediately.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #6 of 2012.

A roll call vote was taken on Resolution #6 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution #6 of 2012 was adopted unanimously.

Resolution #7 was voted on and defeated earlier in the meeting.

**Resolution #8 Environmental Impact of the
Stillwater Zoning Code Amendments
Proposed in Local Law No. 2 of 2012**

Introduced by: Supervisor

WHEREAS, the proposed Zoning Code Amendments were sent to the Saratoga County Planning Board for review and comment pursuant to General Municipal Law §239; and

WHEREAS, a Public Hearing was conducted at a Town Board meeting on January 19, 2012, at which the environmental impacts of the Zoning Code Amendments were discussed; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.6 and has duly considered the Environmental Assessment Form attached hereto prepared by the Chazen Companies; and

Now, therefore, be it

RESOLVED, that the Town Board hereby declares itself as the most appropriate agency to be the lead agency for the coordinated environmental review regarding the Town Zoning Code changes; and be it further

RESOLVED, that the Town Board, acting as lead agency for the coordinated SEQRA evaluation of the proposed Route 67 Comprehensive Plan and Zoning Amendments hereby determines that the proposed action will not have a significant environmental impact pursuant to 6 NYCRR Part 617.6 (SEQRA); and be it further

RESOLVED, that the Town Board authorizes the dissemination of the Notice of Determination of Non-Significance to all involved and interested agencies.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #8 of 2012.

A roll call vote was taken on Resolution #8 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution #8 of 2012 was adopted unanimously.

Resolution #9 Adopting Local Law No. 2 of 2012
A Local Law Amending the Town’s Zoning Code
and Amending Local Law No. 1 of 2001 and
Local Law No. 5 of 2011

Introduced by: _____ Supervisor _____

WHEREAS, the proposed Zoning Code amendments were referred to the Saratoga County Planning Board for review and comment pursuant to General Municipal Law §239, a copy of which is attached hereto; and

WHEREAS, the Town Board, acting as Lead Agency, has made a Determination of Non-Significance in Resolution 8 of 2012; and

WHEREAS, the Town Board conducted a Public Hearing on January 19, 2012 to discuss and clarify the Town’s current Zoning Code language and implementation procedures;

Now therefore be it

RESOLVED, that the Town Board hereby elects to exercise the authority it has pursuant to the NYS Constitution as well as the Municipal Home Rule Law to supersede §§ 264, 272-a and 265 of the NYS Town Law with respect to the number of days required for publication of the Public Hearing Notices in accordance with Municipal Home Rule Law § 20.

RESOLVED, that the Town Board hereby adopts Local Law No. 2 of 2012, a Local Law amending the Town's Zoning Code and also amending Local Law No. 1 of 2001 and Local Law No. 5 of 2011 regarding changes to the Town's current Zoning Code; and be it further

RESOLVED, that the Town Clerk shall immediately post and publish notice of the adoption of this Resolution in the Express and Gazette within 5 days pursuant to Article 16 of the Town's Zoning Code.

RESOLVED, that the Town Clerk file Local Law No. 2 of 2012 with the New York Secretary of State forthwith.

RESOLVED, that the Town Clerk shall complete, file and maintain in the Office of the Town Clerk the Affidavits of Posting/Publication and Mailing, and maintain a separate file for zoning changes, and be it further

RESOLVED, that The Chazen Companies is directed to provide the Town with a new zoning map depicting any changes to the current zoning map; and be it further

RESOLVED, that The Chazen Companies is directed to ensure compliance with all appropriate Environmental Regulations.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #9 of 2012.

A roll call vote was taken on Resolution #9 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution #9 of 2012 was adopted unanimously. (Local Law will be attached to the minutes and filed in the Local Law book)

Supervisor Kinowski reported that in accordance with Resolution #1 he signed a contract with Chazen Companies with no change to the 2012 Budget.

Supervisor Kinowski requested the Attorney to review a Saratoga County hazard mitigation plan which if the Town is included it will be at no cost.

Public Input

Coke C inquired as to how one would apply for Resolution #6.

Supervisor Kinowski stated that anyone who had damage should contact the Assessor.

John V inquired about Local Law No. 2 of 1985 & Local Law No. 1 of 2002 and commented on the zoning & mobile home ordinance.

Attorney Trainor stated that Resolution #7 was defeated so Local Law No. 2 of 1985 Local Law No. 1 of 2002 has not been repealed.

Art F commented on the two men who retired from the highway dept. and the Deputy Supervisor position.

Supervisor Kinowski stated that no change was made to budget, they are still paying him the allotted \$500 and he reduced his salary by a thousand to pay the Deputy Supervisor.

Marty D inquired as to the duties of the Deputy Supervisor.

Supervisor Kinowski stated that he covers all Supervisor duties with the exception of voting. He has no voting rights. At this time he has been requested to look at the 2% tax cap, PILOT's and being retired he has the added benefit of being more readily available.

Art F inquired if people on County Rte 76 can tap into the new water line.

Supervisor Kinowski stated that there is a potential but first a water district would need to be created and they would need a water tank.

Tony B inquired who would be paying for the new proposed water line.
Supervisor Kinowski stated that the Town would pay upfront but the debt would be paid for by the water district.

Audited Claims

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

2011	General	#30-#38	\$3247.65
	Town Outside	#14-#17	\$9827.04
	Highway	#17-#28	\$11429.38
	Water & Sewer	#5-#8	\$208.99
	Trust & Agency	#1	\$125.52
2012	General	#39-#57	\$8429.00
	Town Outside	#18-#24	\$5107.54
	Highway	#29-#37	\$5119.32
	Water & Sewer	#9	\$1000.00

Motion carried.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adjourn the meeting at 8:30 pm. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk