

**Stillwater Town Board
Business Meeting
February 21, 2013 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

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

Sue Cunningham, Town Clerk took the roll call.

Agenda Items Resolutions #8--#17

Resolution #8 Establishing a Consolidated Water Rate

Introduced by: Supervisor

WHEREAS, The Chazen Companies has recommended to the Town Board in the attachment hereto that a uniform rate be established for the Town's operation and maintenance of the operating systems in Water Districts Nos. 1, 3, 4, 4 ext. 1, and 5 and outside service connections within Town limits; and

WHEREAS, the recommended uniform rate is \$2.95 per 1000 gallons, which would include funds for an operating reserve but not for an emergency reserve, a capital reserve, or for the cost of the water being purchased;

Now, therefore, be it

RESOLVED, that the Town Board hereby establishes a consolidated operations and maintenance ("O&M") rate in the amount of \$2.95 per 1000 gallons for Water Districts Nos. 1, 3, 4, 4 ext. 1, and 5, and all outside service connections within Town limits effective April 1, 2013.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #8 of 2013.

A roll call vote was taken on Resolution #8 of 2013 as follows:

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

Motion carried. Resolution #8 of 2013 was unanimously adopted.

Resolution #9 Authorizing the Review of PNL's Tax Certiorari Appraisals

Introduced by: Supervisor

WHEREAS, PNL Stillwater LLC, the owner of the Saratoga Hills Mobile Home Park, has submitted appraisals to the Town in connection with its pending tax certiorari matter; and

WHEREAS, it is necessary to have PNL's appraisals reviewed by the Town's appraiser, Neil

Cherkosly at an estimated cost of between \$400.00 and \$800.00 to review and critique PNL’s appraisals, \$400.00 - \$800.00 to prepare questions for use at trial, \$400.00 - \$800.00 to review and prepare prior to trial and \$150.00 per hour for pre-trial meetings, trial appearance and travel;

Now, therefore, be it

RESOLVED, that the Assessor and the Attorneys for the Town are hereby authorized to engage Neil Cherkosly to perform the specified trial preparation duties in connection with PNL’s tax certiorari matter regarding the Saratoga Hills Mobile Home Park at a cost not to exceed \$5,000.00.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #9 of 2013.

A roll call vote was taken on Resolution #9 of 2013 as follows:

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

Motion carried. Resolution #9 of 2013 was unanimously adopted.

**Resolution #10 Establishing a Policy and Allowing Empire Warehousing Corp
To Pay GEIS Fees in Installments**

Introduced by: Supervisor

WHEREAS, Empire Warehousing Corp. will be submitting an amended application regarding the Esplanade property located on Route 4 and 32 on the border of both Stillwater and Mechanicville; and

WHEREAS, the Town Board has previously adopted a policy permitting developers to provide Town residents with valuable projects and services of equal value in lieu of paying GEIS fees; and

WHEREAS, the Town Board wishes to encourage businesses to locate in Stillwater by permitting them to pay fees required by the Town-wide GEIS in three (3) installments;

Now, therefore, be it

RESOLVED, that the Town Board hereby declares that developers incur the obligation to pay the entire amount of GEIS fees upon filing their initial project-related application with the Town and within no more than 3 years; and be it further

RESOLVED, that the Town Board hereby adopts a policy allowing developers, on a case-by-case basis, to pay project-related GEIS fees in up to three (3) installments, with one-third due when the first project-related application is filed, one-third is due before the first building permit is issued, and one-third is due before a Certificate of Occupancy is issued; and be it further

RESOLVED, that Empire Warehousing Corp. be permitted to pay its project-related GEIS fees in up to three (3) installments as specified in the policy set forth above for the Esplanade project.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #10 of 2013.

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

Resolution #11 Support for NYS-Contact Information for Vacant Structures

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

**Resolution #12 Setting a Public Hearing
to Consider Local Law __ of 2013, a Local Law
Enacting an Alternative Veterans Exemption
and/or raising the Maximum Exemptions for Qualifying Veterans**

WHEREAS, the Town Board wishes to consider revising the maximum exemptions allowable pursuant to said laws, and a public hearing is required to do so;

Now, therefore, be it

RESOLVED, that a Public Hearing is hereby scheduled for 7:00pm on Thursday, March 21, 2013 at the Stillwater Town Hall at 66 East Street, Stillwater, New York to consider Local Law ____ of 2013, a Local Law amending Local Law 1 of 1982, Local Law 4 of 2007, and Chapter 183 of the Stillwater Town Code, to revise the maximum exemptions from real property taxation available to qualifying veterans.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #12 of 2013.

A roll call vote was taken on Resolution #12 of 2013 as follows:

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

Motion carried. Resolution #12 of 2013 was unanimously adopted.

**Resolution #13 Authorizing Expenditures for
The 3rd Edition of the Town Newsletter**

Introduced by: _____ Supervisor _____

WHEREAS, the Town Board wishes to send a 3rd Town Newsletter to inform town residents of current events in Town government;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to print, assemble and mail the 3rd Edition of the Stillwater Town Newsletter at a cost not to exceed the Budget Line Item.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #13 of 2013.

A roll call vote was taken on Resolution #13 of 2013 as follows:

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

Motion carried. Resolution #13 of 2013 was unanimously adopted.

**Resolution #14 Authorizing Expenditures
To “Fit-Up” the New Town Hall on Route 4 and 32**

Introduced by: _____ Supervisor _____

WHEREAS, as previously authorized by Town Board resolution, the Supervisor has signed a five (5) year Lease with Roman Catholic Community of All Saints on the Hudson beginning March 1, 2013 for use of its Social Hall for Town Hall operations; and

WHEREAS, as previously discussed, “fit-up” expenses are necessary to modify the interior of the building to best accommodate department operations;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to execute necessary contracts and expend up to \$50,000 from the Town's unappropriated fund balance to "fit-up" the new Town Hall to be leased from Roman Catholic Community of All Saints on the Hudson beginning March 1, 2013; and be it further

RESOLVED, that although none of the contracts to be executed are expected to qualify as Public Works contracts requiring competitive bidding under the General Municipal Law, if they do so qualify then competitive bidding will be conducted for those services.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #14 of 2013.

A roll call vote was taken on Resolution #14 of 2013 as follows:

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

Motion carried. Resolution #14 of 2013 was unanimously adopted.

**Resolution #15 Regarding Setting a Further Workshop
 Regarding the Consolidation of
 Town Water Districts 1, 3, 4 and 4 extension 1**

Introduced by: Supervisor

WHEREAS, new information is available to present to Town residents and to residents of Town Water Districts 1, 3, 4, and 4 ext. 1 regarding the construction of a connector line between those districts and the Saratoga County Water Authority; and

WHEREAS, the presentation will also review the proposed consolidation of those districts into one water district;

Now, therefore, be it

RESOLVED, that another Workshop be held at 7:00p.m. on Tuesday, April 9, 2013 at The New Stillwater Town Hall located at 881 North Hudson Avenue, Stillwater, New York to inform Town residents and district residents of Stillwater Water Districts 1, 3, 4, and 4 ext. 1 regarding the construction of a connector line between those districts and the Saratoga County Water Authority, as well as regarding the proposed consolidation of those districts into one water district; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish appropriate notice of the public workshop in the Town's official newspaper or the daily alternate newspaper, as well as on the Town's bulletin board.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #15 of 2013.

A roll call vote was taken on Resolution #15 of 2013 as follows:

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

Motion carried. Resolution #15 of 2013 was unanimously adopted unanimously.

**Resolution #16 Scheduling the Town Public Library Social Event
And the Service of Alcohol at that Event
And Authorizing Funds Therefore**

Introduced by: Supervisor

WHEREAS, the Stillwater Public Library (“Library”) wishes to conduct a fundraising social event at the Stillwater Area Community Center (“SACC”) at 5:30pm on October 18, 2013; and

WHEREAS, the Library has requested the Town’s permission to serve alcohol at this fundraising event; and

WHEREAS, the Town Board wishes to ensure that appropriate protections are in place before granting such authority on Town owned property;

Now, therefore, be it

RESOLVED, that the Library is authorized to conduct a fundraising social event at the SACC on October 18, 2013 at 5:30pm; and be it further

RESOLVED, that the Town Board hereby authorizes the Library to serve alcohol on the Town premises at the Stillwater Area Community Center on October 18, 2013 under the follow conditions and restrictions:

- 1.No one under the legal age limit of 21 years old will be served any alcohol;
- 2.No one who is visibly intoxicated will be served any further alcohol;
- 3.Anyone who appears even slightly intoxicated, or whose ability to drive in any way appears to be impaired by alcohol, will not be permitted drive a vehicle on or from the premises;
- 4.The SACC and Library will sign a Indemnification Agreement holding the Town harmless from any property damages or personal injuries arising out of its service of alcohol on the Town’s property; and
- 5.The SACC and Library will provide the Town with a certificate of liability insurance in a coverage amount of no less than \$1,000,000.00 listing the Town of Stillwater as an additional insured.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #16 of 2013.

A roll call vote was taken on Resolution #16 of 2013 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	NO
Councilwoman Bruno	NO

Motion carried. Resolution #16 of 2013 was adopted unanimously.

**Resolution #17 Appointing Board Members to the
Mechanicville-Stillwater Industrial Development Agency**

Introduced by: Supervisor

WHEREAS, by virtue of the resignations of Gene Cook and William Jordan from the Board of Mechanicville-Stillwater Industrial Development Agency, vacancies on the Board of Mechanicville-Stillwater Industrial Development Agency exists; and

WHEREAS, the Town Board has recommended that Sally Herrick be appointed to fill the vacated position of Gene Cook; and

WHEREAS, the Town Board has recommended that Steve Weinstein be appointed to fill the vacated position of William Jordan; and

WHEREAS, the appointment of Ms. Herrick and Mr. Weinstein shall become effective as of February 15, 2013 for an indefinite term limit and replacement shall be determined at Town Board discretion.

Now, therefore, be it

RESOLVED, that the Town Board hereby appoints Sally Herrick and Steve Weinstein as members of the Board of Mechanicville-Stillwater Industrial Development Agency to fill the vacancies left by the resignation of Gene Cook and William Jordan, effective February 15, 2013 for an indefinite term limit and replacement shall be determined at Town Board discretion.

Motion by Councilwoman Bruno and seconded by Councilwoman Whitman to adopt Resolution #17 of 2013.

A roll call vote was taken on Resolution #17 of 2013 as follows:

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

Motion carried. Resolution #17 of 2013 was adopted unanimously.

Public Input

Coke C requested the Board confirm the date, time and place of the water workshop. Supervisor Kinowski confirmed April 9th, 7:00PM at the new Stillwater Town Hall. Coke C questioned using the word water rate in Resolution #8 when actually it's the O&M. Attorney Trainor stated that was in the title but in the resolution itself it specifies O&M.

Art F questioned Resolution #8 & #16 and commented on Resolution #12. Supervisor Kinowski stated that since the Town receives water from the Village of Stillwater and the City of Mechanicville they have the option of raising the rates as they see fit. Supervisor Kinowski stated that the Community Center is a family building and the Town did not alcohol serve on premises. There have been many changes over the years and events properly managed but it is up to the Board to decide if they want to allow alcohol.

Tony B questioned Resolution #8 as to what it involves. Supervisor Kinowski stated that it only included an increase in the O&M.

Councilwoman Whitman announced that the Town Wide Clean-up will be on April 27th. There were no dates available in May this year with County Waste.

Audited Claims

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

General	#45-#65	\$12,907.74
Town Outside	#22--#36	\$27,808.24
Highway	#70-#106	\$15654.60
Water	#11-#12	\$403.22
Capital Projects	#2	\$24,498.35

Motion carried.

Motion by Councilman Petronis and seconded by Councilman Baker to adjourn to executive session for contractual and Litigation at 8:15 PM. **Motion carried.**

Respectfully submitted by
Sue Cunningham
Stillwater Town Clerk

