

Stillwater Town Board
Business Meeting & Public Hearings
Zoning-Nonconforming use & Saratoga Lake PDD
April 15, 2010 7:00 PM
Stillwater Town Hall

Present: **Councilman Artie Baker**
 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

Absent: **Councilman Ken Petronis**

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

Sue Cunningham, Town Clerk took the roll call.

7:00PM Public Hearing –Zoning-Non Conforming Use

Purpose: *The purpose of the Public Hearing is to afford the public the opportunity to comment on the proposed amendments to the Town of Stillwater's Zoning Regulations regarding lot width for pre-existing, non-conforming lots and structures.*

Public Input

John V. requested that the Local Law pertaining to zoning changes be tabled until the updated Mobile Home Ordinance is considered.

Art G. commented on the local law changes because of mistakes made in the past.

With everyone having the opportunity to comment Supervisor Kinowski adjourned the public hearing at 7:08 PM.

7:08 PM Saratoga Lake PDD-Local Law #2 of 2000

Purpose: *The purpose of the Public Hearing is to afford the public the opportunity to comment on the proposed amendments to the Saratoga Lake Planned Development District, also known as Local Law #2 of 2000. The amendment would allow a portion of the property to be utilized for the uses permitted within B-2 general business zone.*

Public Input

Art F inquired as to the changes.

Supervisor Kinowski stated that there was an error in the PDD legislation that needed to be corrected to make it B-2 permissible.

With everyone having the opportunity to comment Supervisor Kinowski adjourned the public hearing at 7:011 PM.

Adoption of Minutes: **Motion** by Councilwoman Bruno and seconded by Councilwoman Whitman to adopt the minutes of the March 18, 2010 Business meeting of the Stillwater Town Board. **Motion carried.**

Communications: Sue Cunningham, Town Clerk stated that the Stillwater Library requested that she announce a Plant Sale the Library was having on May 1st, from 10Am to 2 PM in the Stillwater Free Library Parking Lot.

Agenda Items

Resolutions #23-#27 & 16 for reconsideration

Attorney Trainor advised the Town Board not to reconsider Resolution #16 at this time.

**Resolution #23 Authorizing The Chazen Companies To Provide Lead Agency
Notification To Interested/Involved Agencies in the Saratoga Lake
Cluster PDD**

Introduced by: _____

WHEREAS, the Town Board will be conducting a public hearing on May 6, 2010 considering for action on May 20, 2010 Local Law No. ____ of 2010 the Saratoga Lake Cluster Planned Development District; and

WHEREAS, in accordance with SEQRA (6 NYCRR Part 617) the Town Board intends to appoint itself lead agency in the project and is required to notify interested/involved agencies accordingly;

Now, therefore, be it

RESOLVED, that The Chazen Companies are hereby authorized to prepare and send appropriate notifications to all interested/involved agencies that the Town Board of the Town of Stillwater is hereby intending to declare itself lead agency in the project and requesting comments and/or consent from those agencies.

**Resolution #24 Referring the Saratoga Lake Cluster PDD to the Saratoga County
Planning Board for Review**

Introduced by: _____

WHEREAS, the Saratoga Lake Cluster PDD is to be located in the vicinity of NYS Route 9P and thereby requires referral to the Saratoga County Planning Board for its review prior to the Town Board taking action on the PDD; and

WHEREAS, the Town Board intends to consider the Saratoga Lake Cluster PDD for approval at its regularly scheduled May 20, 2010 Town Board Meeting;

Now, therefore, be it

RESOLVED, that The Chazen Companies are hereby authorized to refer the Saratoga Lake Cluster PDD, including the proposed local law describing the Planned Development District and the Town Planning Board's recommendations, to the Saratoga County Planning Board for its review; and be it further

RESOLVED, that the Town Board hereby requests that the Saratoga County Planning Board review the PDD and advise this Town Board of its report prior to the May 20, 2010 Town Board meeting at 7:00 p.m.

**Resolution #25 Awarding the Cold Springs Road Contract No. 2
To the Delaney Group, Inc.**

Introduced by: _____

WHEREAS, by Resolution No. ____ of 2010 the Town Board authorized the advertisement for bids related to the Cold Springs Road Corridor Reconstruction Project Contract No. 2; and

WHEREAS, the Delaney Group, Inc. has submitted the lowest most responsible bid in the total amount of \$6,789,976.10; and

WHEREAS, in order to keep the project on schedule, The Chazen Companies have recommended that the contract be awarded to the Delaney Group, Inc. subject to a number of

conditions to be met prior to the Supervisor's execution of the contract as described in the letter of Joseph M. Lanaro, P.E. dated April 1, 2010 attached hereto;

Now, therefore, be it

RESOLVED, that the Cold Springs Road Corridor Reconstruction Project – Contract No. 2 is hereby awarded to the Delaney Group, Inc. as the lowest most responsible bidder in the base bid amount of \$3,810,569.10, Bid Alternate No. 1 of \$2,979,407.00 for a total contract amount of \$6,789,976.10 subject to the satisfaction of the following conditions prior to the execution of the contract:

1. The Town receiving approval from ESDC-LFTC to award the contract, after ESDC-LFTC reviews the bid results and approves the contract amount for the Base Bid and Bid Alternate No. 1 or as otherwise resolved;
2. The Town reviewing the existing NYSEG easements and granting a Utility Permit to NYSEG in the Town's permanent easement area along Cold Springs Road for poles that require an easement or as otherwise resolved;
3. The Town receiving a Nationwide Permit (NWP) #14 from the Army Corps of Engineers (ACOE) pre-construction notification or as otherwise resolved;
4. The execution of a Memorandum of Understanding with the Town and NYSDOT or as otherwise resolved;
5. The execution of a Memorandum of Understanding with the Town and ESDC-LFTC or as otherwise resolved;
6. The Town's completion of Right-of-Way Acquisitions along the Cold Springs Road Corridor Reconstruction – Contract No. 2 project limits, particularly the Salisbury Cemetery and the City of Mechanicville or as otherwise resolved; and
7. The Town receiving a Good Faith Efforts Letter from the Delaney Group for the MBE/WBE subcontracting goals or as otherwise resolved;

and be it further

RESOLVED, that the Delaney Group, Inc. provide the services described under a unit price contract, such that the final quantities and related costs may vary from the original bid, which is based upon estimated quantities, subject to change based upon final quantities as quantified by the Town Engineer and Project Administrator.

Resolution #26 Appointing a Custodian for Clean-Up Days

Introduced by: _____

WHEREAS, it is both necessary and proper to appoint a custodian for the 2010 Town-wide Clean-Up Days; and

WHEREAS, the Town Board recommends that Sheila Silic be appointed for the position at a rate of \$125 per day; and

WHEREAS, the public bidding requirements of the General Municipal Law are not applicable because the threshold amount of \$20,000.00 has not been triggered;

Now, therefore, be it

RESOLVED, that the Town Board hereby appoints Shelia Silic as the custodian for services to be rendered for the 2010 Town-wide Clean-Up Days at a total cost not to exceed \$125.00 per day.

Resolution #27 Adopting the Section 8 Housing Choice Voucher Program PHA Plan for 2010

Introduced by: _____

WHEREAS, the Town operates a Section 8 Housing Choice Voucher Program funded by the U.S. Department of Housing and Urban Development; and

WHEREAS, the Town is required by the U.S. Department of Housing and Urban Development to prepare and adopt a written PHA Plan that establishes local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development; and

WHEREAS, the Town Board has caused a written PHA Plan for 2010 to be prepared establishing local policies for administration of the Section 8 Housing Choice Voucher Program in accordance with regulations of the U.S. Department of Housing and Urban Development, and has reviewed such written plan;

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts the PHA Plan for 2010 for operation of the Section 8 Housing Choice Voucher Program.

Resolution #28 Authorizing Engineering and Legal Services in Connection with The Conveyance of Sewer District No. 2 Sewer System to Saratoga County Sewer District No. 1

Introduced by: _____

WHEREAS, the attached proposals of The Chazen Companies and Cutler, Trainor & Cutler, LLP for engineering and legal services, respectively, in connection with the conveyance of the Town Sewer District No. 2 Sewer System to Saratoga County Sewer District No. 1 are annexed hereto and made a part of hereof; and

WHEREAS, these services are needed in order to prepare both the sewer system and the conveyance documents to County Standards in order for the Saratoga County Sewer District accept the conveyance;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes Chazen to perform the described engineering services in an estimated amount of \$27,800.00 and for Cutler, Trainor & Cutler, LLP to perform the described legal services in the estimates amount of \$6,750.00.

Resolution #29 Adopting Local Law No. 1 of 2010 Replacing Local Law No. 1 of 1999 in its Entirety Regarding Code of Ethics

WHEREAS, Local Law No. 1 of 1999, was duly adopted on July 15, 1999 and amended by Local Law No. 1 of 2006 adopted on March 16, 2006, regarding Ethics in the Town of Stillwater; and

WHEREAS, a Public Hearing was held on March 18, 2010 to consider amending Local Law No. 1 of 1999 to incorporate the recommended changes of the Board of Ethics;

Now, therefore, be it

RESOLVED, that Local Law No. 1 of 2010, a Local Law amending Local Law No. 1 of 1999, in its entirety, regarding Code of Ethics, is hereby adopted; and be it further

RESOLVED, that Local Law No. 1 of 2010 shall be effective upon its filing with the New York State Secretary of State but shall also be immediately effective upon a person or entity personally served with a copy after its adoption.

Discussion: Councilman Baker requested discussion on Resolution #23 and Councilwoman Whitman had a question on Resolution #25.

Resolution #23: Councilman Baker inquired if there was enough money in the budget for this expenditure.

Supervisor Kinowski stated there was \$35.600 in the fund balance which would cover this.

Resolution #25: Councilwoman Whitman question Cold Springs Road Contract 1 & 2 going to two different bidders.

Engineer Lanaro stated that the contracts went out to bid and they have to go with the lowest responsible bidder.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #23 thru Resolution #29.

A roll call vote was taken as follows:

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

Motion carried unanimously.

Public Input

John V inquired when the public hearing was for Resolution #23.

Supervisor Kinowski stated May 6, 2010.

Wayne S. questioned the condition of Van Ness Rd and if the Town would take responsibility if someone was hurt.

Supt Minick stated that Van Ness Rd is being monitored by the engineers and at this time there is no eminent danger. He said that there is no funding source available which at this time it is more cost effective to monitor the area.

Supervisor Kinowski said he would raise this issue at the next Capital Projects meeting and requested an opinion from the Town Attorney on responsibility.

Attorney Trainor stated that you would have to look at the contributing factors.

Further discussion was held on cost, funding and grants available.

Terry S. if deficit spending has occurred in the Town.

Supervisor Kinowski stated that the Town has been spending down year end balances and he has not found deficit spending in the last five years.

Art G. inquired as to what has been spent to date on repairs to Van Ness Rd.

Supt Minick stated that he did not have the exact numbers but the cost has been minimal.

Coke C. inquired why there was a water line going into Revolutionary Heights when there are no houses in there yet, why they are being hooked up to Mechanicville water, why is the Town of Stillwater putting in the line and not the developer and commented on the Village water source.

Supervisor Kinowski stated that the Town & Village of Stillwater and City of Mechanicville entered into a shared service grant which has failed in some aspects. The Village went ahead obtained funds for a water line which will solve their water problems. The projection is that the average resident water bill will go down approximately \$200 a year.

Supt Minick stated that in order for the area to part of water district 4 the Town had to put the line in to the property and the Town received a grant which paid for the line.

Supervisor Kinowski stated that he is still trying to get a handle on everything and when he does he is more than willing to sit down with anyone and answer their questions.

Tony B inquired about the Town allowing town property for water line and the status of the grant for sewer on Viall Ave Hill.

Supervisor Kinowski stated that this is an on going project and step one is to get the approvals and continued to go over the process of the Village water line.

Engineer Lanaro stated that on the first score the Town did not score high enough for funding and they have not received the second score but he doesn't believe it will be high enough for funding.

A discussion was held on how the grants are scored.

Mike C inquired on the Community Center financial records and also stated that he started coming to Town Board meetings a couple of years, lost confidence in Town government but in the last couple of months he is encouraged that the Town is moving in the right direction.

Supervisor Kinowski stated until he sees the Community Center's financial records the Town will not be sending them any more money.

Art F inquired if relocating Van Ness Rd. has been considered and who would own the water line going through Town property.

Supt Minick stated that he has never looked at relocated Van Ness Rd.

Supervisor Kinowski said he was not sure who would own the line. The Town gave permission for the line to be put in and other details need to be worked out.

Supervisor Kinowski reported that the emergency repairs to the Community Center roof have been completed for approximately \$7,000.

He commented that these types of repairs are expected, an on going issue that the Town has to face with the older facility and they would be looking into preparing a preventative maintenance program going forth.

Wayne S questioned if instead of doing roof repairs on the flat roof that they put on a pitch roof. Supervisor Kinowski spoke on the longevity of all the Town buildings and a preventive maintenance program.

Audited Claims

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

General	#170-#192	\$15,796.01
Highway	#147-#173	\$17,045.37
Town Outside	#65-#72	\$2,784.69
Capital Projects	#30-#31	\$1,301.25
Water & Sewer	#27-#28	\$198.50

Motion carried.

Motion by Councilwoman Bruno and seconded by Councilwoman Whitman to adjourn the Town Board at 8:25 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk