

**Stillwater Town Board**  
**Agenda Meeting & Public Hearing**  
*(Social Host Responsibility Act)*  
**May 3, 2007 7:00 PM**  
**Stillwater Town Hall**

**Present:**                **Councilman Artie Baker\*\*\***  
                         **Councilwoman Joan Ronda**  
                         **Councilwoman Jo Ann Winchell**  
                         **Supervisor J Gregory Connors**

**Also Present:**        **Sue Cunningham, Town Clerk**  
                         **Robert Beebe, Attorney for the Town**  
                         **Joe Lanaro, Engineer for the Town**

**Absent:**                **Councilman Ken Petronis**  
                         **Mark Minick, Superintendent of Highways**

**7:00 PM        Public Hearing        (Social Host Responsibility Act)**

**Purpose:** *The purpose of the Public Hearing is to afford the public the opportunity to comment on a proposed Local Law known as “The Town of Stillwater Social Host Responsibility Act” to discourage, prohibit and penalize residential gatherings where underage drinking and prohibited drug use occurs.*

Supervisor Connors called the public hearing to order.

**Public Input**

Peter Prawdzik, Stillwater High School Principal spoke in favor of the proposed local law. He stated that this law is needed and that he is in full support of the proposed Local Law.

Tim Moon, Program Director of the Saratoga County Prevention Council spoke in favor of the proposed local law. He thanked the Board for addressing this issue. He stated that alcohol is the number one choice and is one of the top three causes of death. He felt that this is an important step to take.

Theodore Myers spoke in favor of the proposed local law. He spoke on behalf of the Elks Club who have joined the battle against alcohol and drug abuse and have developed educational programs on drug awareness for the elementary and middle schools.

Margaret Brennor Rensselaer County spoke in favor of the proposed local law. She stated that they are encouraging communities to propose and pass Social Host Responsibility Act. She stated that it plugs a loop hole in laws.

Annetta Melber spoke in favor of the proposed local law. She stated that she has spent over 50 years in nursing and went over a career that dealt with young people who suffered from drinking and drug related accidents.

John VanAmburg commented on 12 year-olds drinking and asked how they would control younger kids drinking.

Karen Lorf commented on the wording “Reason to know” and “Social Host” and the ramifications it could have on parents or homeowners.

Kaitlynn Bouleris President of SADD spoke in favor of the proposed local law. She stated that it’s time for parents, school administrators, public officials, and law enforcement to change attitudes towards teen drinking from acceptance to abstinence. (A copy of her entire comments is attached to original minutes).

Steve Schasburger spoke in favor of the proposed local law. He stated that he has witnessed teen alcohol destruction.

Art Fitzpatrick commented on the wording of the proposed local law and asked why they just didn't use common sense wording and that this was just a waste of time with laws already on the books.

Bob Palmieri spoke in favor of the proposed local law and stated that he was proud of the Town Board for enacting this.

Dave DeVito Stillwater police Department spoke in favor of the proposed local law. He stated that this would make it tougher for parents to okay drinking and reinforce state laws.

Councilwoman Ronda stated that the comments this evening have been enlightening.

Councilwoman Winchell stated that she has been a teacher for over thirty years and has seen awareness programs come & go which involved younger and older students that had an impact and wondered why these programs were abandoned.

A further discussion was held on school programs offered, grade levels at which they are held, working with other schools to see what programs work and an after Prom Party which is going to be held at the Community Center.

A further discussion was held in regard to the wording "Social Host" and "Reason to know". Margaret Brennor stated that under law parents have the option to give their child alcohol and if someone were to have a party the only way the police would arrive is if they were called for a reason.

Attorney Beebe stated that if the drinking is out of view the "reason to know" wouldn't hold up.

With everyone having the opportunity to be heard the public hearing was adjourned at 7:50 PM.

### **Agenda Meeting**

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

Town Clerk took the roll call.

**Approval of Minutes:** Motion by Councilwoman Ronda and seconded by Councilwoman Winchell to approve the minutes of the April 5, 2007 Agenda Meeting of the Town Board.

**Motion carried.**

**Communications:** Sue Cunningham, Town Clerk reported that the Town of Stillwater was the winner in the March for Parks challenge.

**Bid Opening:** The Town Clerk reported that 3 bids were received for the 1985 Chevrolet Blazer.

Eric Mueller, Stillwater, NY	\$651.00
Mark Minick, Stillwater, NY	\$876.00
Larry Whalen, Stillwater, NY	\$1,179.37

Copies of bids are to be turned over to the Town Attorney for review.

\*\*Councilman Baker arrived at this time.

### **Reports or Resolutions**

*(Town Board & Dept. Heads)*

#### **Supervisor Connors**

**AMD/LFTC Update:** I am pleased to report that a delegation of both Stillwater & Malta officials including our department heads from Planning, Building and Highway met with representatives from AMD earlier today. The purpose of the meeting was to review the conceptual drawings for FAB 1; talk a little about AMD's long-term plan for Luther Forest and to answer questions that our residents and constituents are asking us. I was very satisfied with the meeting and I invite residents to access our town website and review AMD's response to frequently asked residents questions.

Cold Springs Road Corridor Project: Our environmental analysis in the project corridor continues. Currently the Town Engineer is conducting noise surveys. These surveys will continue through this coming weekend. As is our policy, we notified all residents living in the corridor area in advance and in writing of the survey. I also want to thank all the residents who have been helpful to our engineers, design team and town employees as they are working in the area. Their local knowledge and cooperation has been very helpful to our overall effort and we appreciate it.

Comprehensive Plan: We have been notified by the Saratoga County Planning Board that they have approved of our amendments to the Comprehensive Plan without change and as a result, we have instructed the Town Planning consultants to amend the plan accordingly and provide me with an electronic copy of the amended plan for distribution to residents as needed.

Agriculture Economic Development: Town officials will be participating in a local government workshop, sponsored by the County Planning Department in support of the NYS Dept. of Ag. & Markets Plan to release \$800,000.00 for local planning grants for municipalities to develop their own agriculture economic development and farmland protection programs. Grant funds will be released later this summer and up to \$25,000.00 per municipality will be available.

Rabies Clinics: The Saratoga County Department of Health and County Animal Shelter have scheduled rabies clinics for both dogs and cats. All clinics will be held on Tuesday. The dates are May 15<sup>th</sup>, June 19<sup>th</sup>, July 17<sup>th</sup>, August 21<sup>st</sup>, September 18<sup>th</sup> and October 16<sup>th</sup>. Cats must be transported in carriers and dogs must be on leashes in order to be vaccinated. Cats are scheduled from

7:00 PM to 8:00 PM and dogs will be vaccinated from 8:00 PM to 9:00 PM. All clinics and vaccinations will take place at the Saratoga County 4-H Training Center on Middle line Road in Ballston Spa.

Town-wide Cleanup: A reminder to residents that our 1<sup>st</sup> of 3 town wide clean ups is scheduled for Saturday, May 19<sup>th</sup> from 7:00 AM to 2:00 PM. Residents can bring their junk and debris to the Highway Garage on Lansing Road where they will be assisted by both town employees and personnel from County Waste & Recycling. A nominal fee is charged and proof of residency required. Hazardous waste and material is not permitted.

Accounting: On the town accounting front, our Annual Update Report to the Office of the State Comptroller has been filed electronically and within the time period as required by law. A copy of the report is available for inspection on-line through the OSC and a hard-copy is available in the Office of the Town Clerk. In addition, Members of the Town Board and Department Heads have been provided with the budget report for the Month of April. If anyone has any questions, I encourage them to contact the Office of Fiscal Management.

After Prom Non-Alcoholic Event: I am very pleased to report that in our community wide effort to prevent the tragedies that occur as a result of underage drinking, the Stillwater School District has scheduled an after prom party at the school complex on North Hudson Avenue on Friday, June 1<sup>st</sup> from Midnight to 4:00 AM. This is the first-ever non-alcoholic after prom party at the High School. We are working with school district administrators to provide whatever town resources may be needed to hold this event in a safe, suitable and comfortable setting and I am sure over the next few weeks, the district will be looking for volunteers to help chaperone this event.

Bond Rate: Consistent with the authority granted by TB Resolution 2007-98 the Office of Fiscal Management has successfully negotiated a very acceptable renewal rate for the \$1,405,000.00 BAN that renews on May 7<sup>th</sup>. The current rate is 4.21% and the 2007 rate available from NBT Bank will be 4.00%. For the information of our residents while the town does not issue or offer any serial bonds and as a result has no bond rating, the 4.00% rates is close to a Aaa2 rating for a municipality which is certainly within guidelines recommended by the Office of the State Comptroller.

Town Insurance Policy: Our town property and liability insurance policy is under review by our underwriters for quotation for 2007/2008. Several questionnaires have been sent to various department heads at the request of our carrier and I urge them to complete the questionnaire and return them to my office as soon as possible. Our renewal date is June 5, 2007.

Local Impact with the 2007-08 State Budget: There are a number of significant items of interest to municipalities regarding the recently adopted state budget. I want to bring 2 to the attention of our residents: 1. A Middle-Class STAR Rebate Program has been authorized. This rebate will be available to eligible property owners who already receive Basic and Enhanced STAR exemptions on their school tax bills. The amount of the rebate will be based on the filed 2005 NYS Income Tax return filed by eligible property owners. This summer residents will receive postcards from the NYS Dept. of Taxation and Finance NOT the local Tax Assessor. Residents who wish to receive the middle class tax rebate are encouraged to provide the information

requested on the postcard and return it to the Taxation and Finance as soon as possible. Residents will be able to reply by mail or via the Internet. 2. There are at least 2 appropriations that speak directly to rural needs. There is a \$30 Million allocation to create a dairy assistance program which would provide direct support to dairy farmers affected by the dramatic drop in milk prices in 2006 and in the final budget \$5 Million dollars has been appropriated for increased statewide access to broadband internet services; of the \$5M, \$2.5 Million will be specifically directed toward increased access in rural areas.

Champlain Canal Boating & Recreation Season: The high water has prevented the Canal Corporation from announcing a date that will begin the 2007 navigation season. They have announced that as in 2006, the Canal Corporation is waiving all recreational tolls for the 2007 navigation season.

Small Business Information Expo: The Small Business Strategic Alliance in conjunction with state & federal agencies will host a free Small Business Expo at the Saratoga Springs City Center on May 10<sup>th</sup> from Noon to 6PM..there will be training sessions throughout the day and attendees can visit over 80 booths providing direct contact and access to many NYS and Federal Agencies. There is NO Charge to attend this event. Sessions that cover topics such as Health Insurance, Business Compliance, Financing, Taxation and Business Insurance will be covered.

Summer Employment Opportunity: We have been advised by the Saratoga County Dept. of Employment and Training that they are accepting applications for summer youth opportunities. To be eligible county residents must be between the ages of 12-21 years old and meet federal income guidelines. The deadline for submission of applications is May 18<sup>th</sup> and applications are available in the Office of the Town Clerk. A summer youth employment program is also available for 8 weeks beginning June 25<sup>th</sup> through August 19<sup>th</sup>. Those interested youth will work up to 25 hours per week and be paid \$7.15 per hour at worksites throughout Saratoga County. Those interested are asked to contact the County Dept. of Employment & Training at 884-4170.

Stillwater School District Budget & Election to the BOE: Residents are encouraged to vote on Tuesday, May 15<sup>th</sup> between Noon & 9PM at the Middle School Gym on North Hudson Avenue. 5 Propositions will be on the ballot for consideration including the adoption of the 2007/2008 spending plan. Approval of the budget will authorize spending \$17,640,610.00 for 2007-08. In addition an election will be held for three seats on the Board of Education.

Town of Stillwater Memorial Day Parade: As a reminder to all residents, the Annual American Legion Post 490 Memorial Day Parade will be held on Friday, May 25<sup>th</sup>. The parade will begin at 6:30 PM at the AHFD Main Station on Campbell Road. This year the ceremony will NOT be held in Cannon Park but at the new Veteran Memorial Monument at the Legion Post immediately following the parade.

#### FOLLOW-UP TO PUBLIC INPUT OF 4/19:

In response to inquiries from 2 residents in public session regarding the payment of unemployment insurance benefits to a former town employee; I answered that to my knowledge no benefits had been made. I was in error....checking with the NYS Department of Labor and Office of Fiscal Management I have since determined that the unemployment insurance division of the labor department authorized the payment of \$4,532.50 for the period covering the 3<sup>rd</sup> Quarter of 2004 through the 3<sup>rd</sup> Quarter of 2005. I apologize to those residents for the mistake that I made and of course I take full responsibility for it.

Finally, consistent with my responsibilities as Chief Fiscal Officer on April 24<sup>th</sup> I proposed a change in current policy regarding the collection of fees. This change in policy is consistent with Article 3, Section 30 and Article 9, Section 4 of Town Law which requires, in the absence of any other enabling legislation, the town clerk to collect all fees on behalf of a town of the second class. In addition, this change in policy is consistent with the recommendations by the independent auditor in 2005 regarding Building Permit internal collection of permit fees procedure. This change in policy does not require a Town Board resolution nor does it require advance Town Board approval under existing town law; it satisfies very clearly the default provision of Town Law and is consistent with the authority vested in the Town Supervisor as Chief Fiscal Officer and sound business practice. To support this change, I have ordered a carbonless invoice to be printed and used for this function and again state that effective May 1<sup>st</sup>, the Office of the Town Clerk will collect all fees from applicants paid in connection with Building, Planning, Zoning and Parks & Recreation.

#### RESOLUTIONS FOR BUSINESS MEETING

1. Budget Amendment in support of the Small Cities Grant Application for Housing Rehabilitation Funds;
2. Adoption of the Saratoga County Policy & Procedure for the use of the Reverse 911 System that will be in effect June 1<sup>st</sup> throughout the county;

3. Release of the Performance Bond for Whitney Road South in the Saratoga Glen Hollow Residential Development;
4. Any other business that may come before the Town Board;

**Councilwoman Ronda**

Water: Councilwoman Ronda reported that the water committee met with the village and was brought up to date in that aspect.

Councilwoman Ronda stated that Alex Mackey requested a meeting with the water committee.

**Councilman Baker**

Community Center: Councilman Baker reported that Family Day is being organized, there is a new member to the Community Center Board and the annual Duck Derby will be held on May 19<sup>th</sup>.

Councilman Baker requested Resolutions for the release of funds for the following:

Family Day; Community Center 2<sup>nd</sup> quarter funding, funds for the free summer program. Supervisor Connors stated that these funds are already appropriated in the budget

**Councilwoman Winchell**

Town Wide Clean-Up: Councilwoman Winchell gave an update on the Clean-Up.

Memorial Day Parade: Councilwoman Winchell reported that Matt Kiley would be the Grand Marshall.

Graduating Class of 2007: Councilwoman Winchell reported that the Class of 2007 would be graduating off site. The class would be graduating from the Saratoga City Center.

Planning Board: Councilwoman Winchell reported that Alex Mackay gave a proposal on supplying water to the Town.

**Town Attorney** *(Robert Beebe)*

General Code: Attorney Beebe stated that he would have an interim report on the codification project..

Browns Beach: Attorney Beebe stated that the legislation is under review.

Litigation: Attorney Beebe stated that Water District #3 & #4 and the Canine Control lawsuit were heard by the Appellate Court.

Engineers Report: Attorney Beebe gave a brief update on the Engineers reports that pertained to recommendations of the Attorney.

**Town Engineer** *(Joe Lanaro)*

Engineer Lanaro submitted the Engineers Report to the Town Board for review. (A copy is filed in the Town Clerk's Office for review)

Councilman Baker inquired about the Riverside Project in regard to connecting the lines from Hillside into the pump station.

Engineer Lanaro stated that only Gurba's has been accepted.

A discussion was held in regard to (pending) approvals, permits and deadlines and fines on the construction.

**Fire Marshall** *(Bob Palmieri)*

Bob Palmieri reported that it was burn permit season and that permits required a 72 hour window for review. He stated that if it became a red flag day no burning would be allowed. He also reported on fire inspections on commercial buildings.

**Dept of Building, Planning & Development** *(David Connors)*

David Connors submitted a report to the Town Board and Town Clerk for filing.

**Deputy Town Historian** *(Linda Sanders)*

Linda Sanders gave a brief summary of a recent conference she attended.

**Public Input**

Resident I commented on the hazardous conditions of 127 Pine Lane. He stated that it has been this way for about a month and there has been no response from the Town regarding his complaints.

Resident II commented on the zoning district errors posted on the Town website.

Supervisor Connors stated he would call the webmaster.

Resident II inquired if the codification would be put on line and commented on the Agriculture fees that the Town was charging.

Attorney Beebe stated he would have something at the next meeting.

Resident II commented on Browns Beach and that this was a type 1 action.

Attorney Beebe stated that it was pending SEQR.

Resident II stated that the SEQR was being violated.

Resident II inquired about the public notice in regard to the Ambulance District and the next step to the process.

Supervisor Connors stated that this was for giving authorization for the Attorney to prepare a map, plan & report.

Attorney Beebe stated that the process gave a thirty-day public referendum period to allow the map, plan & report to be prepared, and another thirty-day public referendum to be adopted.

Resident II inquired about the zoning amendment updates.

Supervisor Connors stated that they were formulating a plan and that they would follow the process for adopting.

Resident II stated that she FOILED the County regarding who submitted the job requirements for the position of Director of Building, Planning & Development. She stated that the documents show that the Supervisor submitted the job description.

Resident III inquired about the program offering to help the elderly, disabled and low income make updates to the home.

Supervisor Connors stated that this was a program to help rebuild Saratoga County.

Resident III inquired about the new senior van.

Supervisor Connors stated that a \$16,000 grant was received to go towards the purchase of a new van.

Resident IV inquired about the 72 hour window timeframe in getting a burn permit.

Bob Palmieri went over the process of retaining a burn permit.

Resident IV commented on the Town Clerk collecting the Building Dept fees and the extra work being directed to her. He asked if she would receive more pay for this and if the building Dept would take a pay cut.

Resident IV commented on DA Collins sub-dividing and this being in an empire zone.

Resident V commented on concerns he had regarding the park being done up in the Turning Point Development. He stated he was informed this evening that the park is finally being completed after two years. He commented on the Battery Blvd and Musket March intersection where many of the children catch the bus. He stated that the people are blowing through the stop sign which makes it very dangerous situation. He requested that they look into putting a four way stop sign up there.

Supervisor Connors stated that he would ask the Chief of Police to assign a uniform patrol up in the neighborhood during the bus stop timeframe. He also stated that he would bring his concerns of a four way stop to the attention of the Sup't of Highways.

Resident V inquired about the turn around time to get an answer.

Supervisor Connors stated that they would try to have an answer by the next meeting.

### **Audited Claims**

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

**Motion** by Supervisor Connors and seconded by Councilwoman Ronda to table the voucher submitted which requests taxpayer payment for personal legal fees incurred by a Town elected official. He stated that he would like to table the vouchers on the basis of a legal opinion submitted by the Town Attorney and he has requested from the State Comptroller an opinion as to what they could fairly, properly and legally pay. As to date he has not received that opinion. Councilman Baker stated that he always thought as an elected official they are entitled to representation from an attorney.

Supervisor Connors stated that they are entitled to representation under all circumstances.

A discussion was held on the circumstances.

Councilwoman Winchell requested that before they vote on this they adjourn into executive session.

**Motion** by Councilwoman Winchell and seconded by Councilman Baker that they adjourn into executive session at 9:20 PM. **Motion carried.** (Personnel)

**Motion** by Councilwoman Ronda and seconded by Councilman Baker to resume the Agenda Meeting. **Motion carried.**

**Motion** Supervisor Connors and seconded by Councilwoman Ronda to table the payment of the questioned voucher until the Business Meeting on May 17, 2007.

A roll call vote was taken by the Town Clerk as follows:

Councilman Baker	Yes
Councilman Petronis	Absent
Councilwoman Ronda	Yes
Councilwoman Winchell	Yes
Supervisor Connors	Yes

**Motion carried.**

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

General	#209--#230	\$7,090.79
Highway	#197--#212	\$6,056.88
Town Outside	#	\$1,346.83
Water & Sewer	#31-#36	\$1,099.44
Capital Projects		

A roll call vote was taken by the Town Clerk as follows:

Councilman Baker	Yes
Councilman Petronis	Absent
Councilwoman Ronda	Yes
Councilwoman Winchell	Yes
Supervisor Connors	Yes

**Motion carried.**

**Motion** by Councilman Baker and seconded by Councilwoman Ronda to adjourn the Agenda Meeting of the Stillwater Town Board. **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk