

Stillwater Town Board
Business Meeting & Public Hearing
(Global Foundries amendments)
May 3, 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

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

Sue Cunningham, Town Clerk took the roll call.

7:00 PM Public Hearing (Global Foundries)

Purpose: To consider Local Law No. ____ of 2012, a Local Law further amending Local Law No. 4 of 2004 regarding the LFTC PDD to incorporate the recent settlement of the Global Foundries tax assessment cases.

Attorney Trainor gave a brief summary of the changes.

With everyone having the opportunity to comment Supervisor Kinowski declared the public hearing closed.

7:10 PM Agenda Meeting

Adoption of Minutes: **Motion** by Councilwoman Whitman and seconded by Councilman Petronis to adopt the minutes of the April 5, 2012 agenda meeting of the Stillwater Town Board. **Motion carried.**

Communications: Supervisor Kinowski stated that he received notification from the Village of Stillwater regarding the water rate increasing.

Reports Town Board & Department Heads

Chazen Companies: Supervisor Kinowski gave a brief summary of a monthly report submitted the Chazen Companies.

Councilman Baker

Sidewalk: Councilman Baker stated that he had a proposal of \$8,500 to repair the sidewalk south of the Village line and requested a Resolution for the next meeting. Discussion was held on necessary permits, insurance, budget, property ownership, and being on a State highway.

The consensus was that more of an analysis might have to be done but in the meantime Councilman Baker would co-ordinate with the Attorney and Supervisor Kinowski would look at the budget.

Parade: Councilman Baker reported that the Memorial Day Parade would be held on May 25th.

Councilwoman Whitman

Clean-up: Councilwoman Whitman reported that the Spring Clean up would be held May 12th.

Day at the Races: Councilwoman Whitman reported that the Day at the Races will be August 19th.

Concert: Councilwoman Whitman reported that the first concert is scheduled for July 26th at Blockhouse Park from 6:30 pm to 8:30 pm.

Police Department: Councilwoman Whitman asked about officers leaving the department prior to a certain time and whether they had to reimburse the Town for cost involved in their hiring.

Councilwoman Bruno stated that this was not done with the officer that just left. The Town still retained uniform and all equipment.

Budget: Councilwoman Whitman inquired if they would be making budget adjustments through the year. She noticed that some accounts are getting low and felt they needed to look at these accounts more closely at budget time.

Supervisor Kinowski

Family Day: Supervisor Kinowski reported that Family Day is June 1st from 6 pm to 10 pm and June 2nd from 11 am to 10 pm. Tents are being donated by Fred's tents; the Town just has to pay for labor of putting them up.

Councilwoman Bruno stated that she has received positive feedback on moving the Family Day location.

Supervisor Kinowski stated that he talked with Post #490 again and they feel this may give them an opportunity to raise money with less work involved.

Software upgrades: Supervisor Kinowski reported the server would be updated sometime this month.

Attorney Trainor

Litigation: Attorney Trainor gave the Town Board members a brief update on the PNL litigation.

Councilwoman Bruno

School Budget Vote: Councilwoman Bruno reported that the school budget vote would be on May 15th.

Village Wide Clean-up: Councilwoman Bruno reminded everyone the first clean-up would be May 5th.

Town Clerk

Sue Cunningham, Town Clerk submitted her monthly report.

Agenda Items

(Resolutions #29, #37 and #39)

Resolution #29

Contract for the Expenditures of Highway Monies

Introduced by: Supervisor

WHEREAS, pursuant to Section 284 of the New York State Highway Law, the Town Board is required to have a written agreement with the Highway Superintendent for the expenditure of budgetary funds related to the repair and improvement of all roadways, sluices, culverts and bridges having a span of less than 5 feet and boardwalks and renewals thereof; and,

WHEREAS, the Highway Superintendent has proposed the attached Agreement for the Town Board's consideration; and

WHEREAS, pending approval of said agreement, the Highway Superintendent has and will submit proposed expenditures on vouchers for Town Board approval prior to the expenditure being made except in cases of actual emergencies;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves the attached 2012 written agreement with the Highway Superintendent pursuant to Section 284 of the New York State Highway Law for the expenditure of budgetary funds related to the repair and improvement of all roadways, sluices, culverts and bridges having a span of less than 5 feet and boardwalks and renewals thereof; and be it further

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #29 of 2012.

A roll call vote was taken on Resolution No. 29 of 2012 as follows:

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

Motion carried. Resolution #29 of 2012 was adopted unanimously.

Resolution #37 Adopting Local Law No. 3 of 2012
A Local Law Further Amending Local Law No. 4 of 2004
Regarding the Luther Forest Technology Campus
Planned Development District

Introduced by: Supervisor

WHEREAS in approving of a settlement of an action brought by Global Foundries U.S., Inc. (“Global”) v. Town of Malta under Article 7 of the New York State Real Property Tax Law (the “RPTL”) for the 2010 and 2011 assessments in the Town of Malta (the “Proceedings”). The Town of Stillwater is an intervenor-respondent in the Proceedings, the Stillwater Town Board agreed that, “as part of the implementation of the settlement tentatively reached between Global, the Towns of Malta and Stillwater and the Ballston Spa Central School District and Stillwater Central School District, a necessary amendment of the Town’s Planned Development District (PDD) legislation shall be reviewed after due notice to residents of the Town as soon as practicable”; and

WHEREAS the Town Board of the Town of Stillwater designated itself lead agency for the purposes of the administration of the State Environmental Quality Review Act with respect to the original PDD legislation and proposed amendments, and has received no objection to such designation; and

WHEREAS this proposed legislation was referred to the Saratoga County Planning Boards for their review and recommendation, and likewise was provided to the Town of Malta and all other entities entitled to notice by law or regulation; and

WHEREAS the Town Board of the Town of Stillwater held a public hearing concerning the proposed amendments to Local Law No. 4 of 2004 (Luther Forest Technology Campus Planned Development District) as part of the settlement of the Proceedings to permit the execution and delivery of an Amended and Restated Payment in Lieu of Tax Agreement which modifies the existing limitation in the PDD which requires Global to make annual payments in lieu of taxes equal to the total amount of real property taxes that would have been paid if the property were not exempt from taxes to contained a fixed schedule of assessments for Fab 8.1 and valuation methodology for future development, on the May 3, 2012, at 7:00 P.M., at the Town Hall of the Town of Stillwater, 66 East Street, Stillwater, New York 12170, at which time and place all persons desiring to be heard thereon were heard; now, therefore be it

RESOLVED that the Town Board of the Town of Stillwater hereby adopts the proposed amendment to the Luther Forest Technology Campus Planned Development District (Local Law No. 4 of 2004, as amended by Local Law No. 8 of 2004 and by Local Law No. 3 of 2008) as proposed in the Attachment hereto which will become Local Law No. 3

of 2012, and the Town Clerk is directed to file the said local law with the NYS Secretary of State forthwith.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #37of 2012.

A roll call vote was taken on Resolution #37 of 2012 as follows:

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

Motion carried. Resolution #37 of 2012 was adopted unanimously.

**Resolution #38 Authorizing the Supervisor to
Sign Supplemental Retainer Agreements with
Cutler, Trainor & Cutler, LLP and
The Chazen Companies regarding the
Van Ness Road Stabilization Project**

Introduced by: Supervisor

WHEREAS, the Supervisor has requested the Town’s attorneys and Engineers to provide Supplemental Letters of Engagement and Retainer Agreements regarding the Van Ness Road Stabilization Project, copies of which are attached; and

WHEREAS, the Supplemental Agreements are necessary as previous estimates were based on 7 properties being involved, whereas subsequent investigation indicates there may be as many as 13 different property interests involved;

Now therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign the Supplemental Retainer Agreements with Cutler, Trainor & Cutler, LLP and The Chazen Companies on behalf of the Town for the purpose of surveying and obtaining easements along Van Ness Road.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #37of 2012.

A roll call vote was taken on Resolution #37 of 2012 as follows:

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

Motion carried. Resolution #37 of 2012 was adopted unanimously.

**Resolution #39 Authorizing Condemnation of Properties for the
Van Ness Road Stabilization Project**

Introduced by: Supervisor

WHEREAS, in order to begin the construction of the Van Ness Road Stabilization Project, portions of the parcels listed in the attachment hereto may need to be acquired through the Eminent Domain process; and

WHEREAS, the cost of acquiring the parcels through the Eminent Domain process has been previously estimated in Resolutions 32 and 38 of 2012;

Now therefore, be it

RESOLVED, that the Town’s attorneys, Cutler, Trainor & Cutler, LLP, are hereby authorized to pursue acquisition of the necessary portions of parcels listed in the attachment hereto through the Eminent Domain Procedure Law; and be it further

RESOLVED, that Cutler, Trainor & Cutler, LLP are also authorized to engage appropriate expert witnesses and appraisers needed to value the property and provide litigation support.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #39 of 2012.

A roll call vote was taken on Resolution #39 of 2012 as follows:

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

Motion carried. Resolution #39 of 2012 was adopted unanimously.

Public Input

Coke C questioned the water rate increase.
Supervisor Kinowski stated that they are increasing the rate 67 cents but feels there is a possibility of adjustment down the road once the litigation is settled with GE.

Tony B questioned what the old rate was and what the new rate on the proposed water line is.
Supervisor Kinowski stated that he does not have the numbers at this time.

Russ B questioned the draft letter and what the letter entailed and if it included the estimated debt service amount.
Supervisor Kinowski stated that he would give him a copy of the letter after the meeting and that all factors will be presented on May 22nd at the public workshop.
Discussion was held on the letter and notification.

Special Presentation

Tracy Clothier gave a special presentation on the Stillwater Multi Use Trail. The Stillwater Citizen Task Force invites residents to attend a Public Meeting on Thursday, May 31st at 7:30pm at the gymnasium of the Stillwater Area Community Center to present proposed routes for the extension of the Stillwater Multi-Use Trail.
The trail will run south from the existing trail section in the Village of Stillwater south into Mechanicville and north to the Town of Saratoga boundary. It is anticipated that the trail will become part of the official Champlain Canal way Trail and the greater regional trail network that includes the Erie Canal way Trail, the Zim Smith Trail, the Glens Falls Feeder Canal Trail, and the Warren County Bikeway.
A public meeting will be held on May 31st at 7:30 pm in the Community Center Gymnasium.

Audited Claims

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

General	#181--#201	\$13,755.68
Town Outside	#77--#92	\$40,333.11
Highway	#150--#170	\$9,868.24
Water & Sewer		\$185.00

Motion carried

Motion by Councilman Petronis and seconded by Councilman Petronis to adjourn the Town Board meeting at 8:20 pm. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk