

**Stillwater Town Board
Agenda Meeting
May 14, 2013 7:00 PM
Stillwater Town Hall**

Present: **Councilman Artie Baker
Councilman Ken Petronis
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 **Councilwoman Lisa Bruno**

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

Sue Cunningham, Town Clerk took the roll call.

Adoption of Minutes: **Motion** by Councilwoman Whitman and seconded by Councilman Petronis to adopt the minutes of March April 18, 2013. **Motion carried.**

Agenda Items

Resolution #39 Appropriate Monies for The Town’s Concert

Introduced by: Councilwoman Whitman

WHEREAS, the Town is conducting a concert for the public; and

WHEREAS, the Town Board has previously budgeted monies to pay for the concert related expenses;

Now therefore be it,

RESOLVED, that the Supervisor is hereby authorized to expend an amount not to exceed \$2,000.00 for the band and advertisement for the Town’s concert from budget account number A7270.4.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #39 of 2013.

A roll call vote was taken on Resolution #39 of 2013 as follows:

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

Motion carried. Resolution #39 of 2013 was adopted unanimously.

Resolution #40 Adopt Budget Transfers

Introduced by: Supervisor

WHEREAS, the Office of Fiscal Management has identified a need to transfer funds from Economic Development budget account number CD0200 to General Fund Account Number A0201 in the amount of \$2,000;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves the budget transfer in the amount of \$2,000 from Economic Development budget account number CD02000 to General Fund Account Number A0201; and be it further

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #40 of 2013.

A roll call vote was taken on Resolution #40 of 2013 as follows:

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

Motion carried. Resolution #40 of 2013 was adopted unanimously.

Resolution #41 **Authorizing the Purchase of Accounting Software**

Introduced by: _____ Supervisor _____

WHEREAS, a need has been identified by the Office of Fiscal Management for new Accounting Software; and

WHEREAS, the Office of Fiscal Management obtained the attached low proposal from BAS in the amount of \$16,840.00; and

WHEREAS, competitive bidding is not required as the monetary threshold of General Municipal Law §103 has not been reached but three (3) proposals were evaluated;

Now therefore, be it

RESOLVED, that the Town Board hereby approves the purchase of Accounting Software for the Office of Fiscal Management as identified in the attached proposal from BAS in an amount not to exceed \$16,840.00; and be it further

RESOLVED, that the Supervisor is authorized to sign any and all documents related to the purchase of such Accounting Software and maintenance agreements in support thereof.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #41 of 2013.

A roll call vote was taken on Resolution #41 of 2013 as follows:

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

Motion carried. Resolution #41 of 2013 was adopted unanimously.

Resolution #42

**Appropriate Matching Funds Regarding
Route 4 Zoning & Site Design Standards**

Introduced by: _____ Supervisor_____

WHEREAS, the Capital District Transportation Committee has awarded the Town of Stillwater federal funding in the amount of \$67,500.00 for the Stillwater Route 4 Zoning and Site Design Standards project; and

WHEREAS, the Town is approved for a study of Route 4 Zoning and Site Design Standards project at a local cost identified in the attached Memorandum of Agreement of \$22,500.00;

Now therefore, be it

RESOLVED, that the Town Board hereby accepts the award from the Capital District Transportation Committee for funding of the Route 4 Zoning and Site Design Standards project; and be it further

RESOLVED, that the Supervisor is hereby authorized to sign the attached Memorandum of Understanding and disburse \$22,500.00 of local matching funds accordingly.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #42 of 2013.

A roll call vote was taken on Resolution #42 of 2013 as follows:

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

Motion carried. Resolution #42 of 2013 was adopted unanimously.

Resolution #43

**Awarding Contract to
G.A. Bove Fuels
For Gas, Diesel Fuel and Heating Oil**

Introduced by: _____ Supervisor_____

WHEREAS, as authorized by Resolution No. 28 of 2013 adopted on April 18, 2013, Highway Superintendent Minick solicited bids for Gas, Diesel Fuel and Heating Oil; and

WHEREAS, the Town received one complying bid, that being from G.A. Bove Fuels, for Gas, Diesel Fuel and Heating Oil, a copy of which is attached hereto; and

WHEREAS, the Town Board finds the bid to be the lowest and most responsible bid;

Now, therefore, be it

RESOLVED, that the Town Board hereby awards a contract for the supply of Gas, Diesel Fuel and Heating Oil to G.A. Bove at the bid prices; and be it further

RESOLVED, that the Supervisor is authorized to sign an Agreement with G.A. Bove Fuels for Gas, Diesel Fuel and Heating Oil at the prices listed in the attached bid.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #43 of 2013.

A roll call vote was taken on Resolution #43 of 2013 as follows:

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

Motion carried. Resolution #43 of 2013 was adopted unanimously.

**Resolution #44 Authorizing Purchase of an
Excavator for the Highway Department
In Accordance with General Municipal Law §103(16)**

Introduced by: Supervisor

WHEREAS, the Highway Superintendent prepared bid specifications for the purchase of an excavator in order to provide a common standard for bidders to compete fairly;

WHEREAS, in accordance with the procedures set forth in General Municipal Law §103, competitive bids were solicited through advertising and opened at the May 2, 2013 Town Board Meeting for the Town Highway Department's purchase of an Excavator; and

WHEREAS, sealed bids were submitted and the General Municipal Law requires that the bid be awarded to the lowest most responsible bidder who materially or substantially meets the bid specifications; and

Now, therefore, be it

RESOLVED, that the bid of Southworth Milton at a price of \$97,254.00 is determined, after solicited sealed bids were opened, to be the lowest bid and most responsible bidder and which materially and substantially meets the bid specifications in accordance with General Municipal Law §103(16).

RESOLVED, that the contract for the Town's purchase of an Excavator is hereby awarded to Southworth Milton at the bid price of \$97,254.00; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with Southworth Milton for the stated equipment and at the stated price and to disburse the needed funds as appropriate; and be it further

RESOLVED, that in accordance with NYS General Municipal Law §103 (16), this contract is available for use by other governmental entities. The contractor may, but is not required to extend the prices, terms and conditions of this contract to any political subdivision or district in New York State. Usage of this contract by any of these other political subdivisions or districts will have to be coordinated between that subdivision or district with the contractor. Orders placed against this contract between any subdivision or district will be contracts solely between the Contractor(s) and those entities. Town of Stillwater will not be responsible for, nor will it have any liability or other obligation for, such contract between the Contractor(s) and any third party.

Motion carried by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #44 of 2013.

A roll call vote was taken on Resolution No. 44 of 2013 as follows:

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

Motion carried. Resolution #44 of 2013 was adopted unanimously.

Resolution #45

Accepting the Map, Plan and Report
Dated March 25, 2013, As Amended
By The Chazen Companies

Introduced by: Supervisor

WHEREAS, after numerous discussions and meetings over the last four (4) years, including four (4) well-attended public workshops, a Map, Plan and Report (“MPR”), Dated March 25, 2013, as amended has been prepared by The Chazen Companies, a copy of which MPR is attached hereto and on file at the Town Clerk’s Office which provides for the construction of a water transmission line between existing systems of the Saratoga County Water Authority (“SCWA”) and Town of Stillwater Water Districts 3 and 4; and

WHEREAS, the proposed transmission line will service newly consolidated Water District #6;

Now, therefore, be it

RESOLVED, that the Town Board hereby accepts the attached MPR and finds that it adequately describes the project and meets the requirements of §209-c of the Town Law and the Eminent Domain Procedure Law regarding the public purposes to be achieved; and be it further

RESOLVED, that the cost of preparing the MPR shall be a general Town charge and this Resolution shall be subject to a Permissive Referendum in accordance with §209-b of the New York State Town Law.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #45 of 2013.

A roll call vote was taken on Resolution #45 of 2013 as follows:

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

Motion carried. Resolution #45 of 2013 was adopted unanimously.

Resolution #46

Authorizing Circulation of
Notice of Intent to Serve as SEQRA Lead Agency

Introduced by: Supervisor

WHEREAS, The Town of Stillwater is proposing construction of a water pipeline to be installed which connects the existing Saratoga County Water Authority (“SCWA”) system along Cordero Boulevard and Cold Springs Road to consolidate Water Districts #1, 3, 4 and 4 Extension 1 into a new Town Water District #6; and

WHEREAS, the consolidated water district will be supplied water via a new transmission line to be installed which links the existing SCWA system along Cordero Boulevard to the existing Town infrastructure within the current Water District #3 and Water District #4; and

WHEREAS, the proposed action has been determined to be an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617.4.

Now, therefore, be it

RESOLVED, that pursuant to the applicable standards of SEQRA 6 NYCRR Part 617.6, the Town Board of the Town of Stillwater concludes that it is the appropriate agency to serve as Lead Agency for the coordinated environmental review of the proposed Unlisted Action; and be it further

RESOLVED, that the Town Board hereby declares its intent to be Lead Agency for the coordinated SEQRA evaluation; and be it further

RESOLVED, that the Town Board hereby authorizes the circulation of the Lead Agency Agreement to the other Involved and Interested Agencies, indicating the Town Board’s intention to serve as Lead Agency, including circulating the Part 1 of the Full Environmental Assessment Form (EAF).

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #46 of 2013.

A roll call vote was taken on Resolution #46 of 2013 as follows:

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

Motion carried. Resolution #46 of 2013 was adopted unanimously.

Resolution #47 Setting the EDPL Public Hearing
Regarding Water Pipeline Easements in Support of
New Water District #6

Introduced by: Supervisor

WHEREAS, Article 2 of the New York State Eminent Domain Procedure Law requires that a Public Hearing be held to consider the acquisition of certain real property between the northwest corner of current Water District #1 and the existing Saratoga County Water Authority (“SCWA”) connection point near Cordero Boulevard and Cold Springs Road for water pipeline construction in support of New Water District #6; and

WHEREAS, the purpose of the hearing will be to inform the public, to determine and consider the need and location of the proposed acquisitions, to review the public use to be served, and to assess the impact of the acquisitions on the environment and the residents prior to acquisition of those properties; and

WHEREAS, the proposed acquisition map and design report are available for public inspection at the Town Clerk’s Office during regular business hours and the list of parcels containing the proposed easement to be acquired is attached hereto;

Now, therefore, be it

RESOLVED, that a public hearing be scheduled for Thursday, June 20, 2013 at 7:05 p.m. at the (new) Stillwater Town Hall, 881 Hudson Avenue, Stillwater, NY 12170, to inform the public, determine and consider the need and location of the proposed acquisitions, to review the public use to be served, and to assess the impact of the acquisitions on the environment and the residents prior to acquisition of those properties; and be it further

RESOLVED, that all persons having an interest in the acquisitions are to be invited to attend the hearing or give oral or written statements and to submit other documents concerning the proposed acquisitions that evening; and be it further

RESOLVED, that the Town Clerk is directed to publish in the Daily Gazette and the Express, the notices required by Section 202 of the Eminent Domain Procedure Law for the hearing at least ten (10) days but no more than thirty (30) days prior to the Public

Hearing by publishing in 5 successive issues of a daily paper and two (2) successive issues in the Town’s official weekly paper; and be it further

RESOLVED, that the engineers for the Town are to mail individual notices of the purpose, time, date and location of the Public Hearing to each of the assessment record billing owners by certified mail, return receipt requested at least ten (10) but no more than thirty (30) days prior to such Public Hearing as set forth in §202 of Eminent Domain Procedure Law.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #47 of 2013.

A roll call vote was taken on Resolution #47 of 2013 as follows:

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

Motion carried. Resolution #47 of 2013 was adopted unanimously.

**Resolution #48 Authorizing the Supervisor to Sign a
Letter of Intent and to Negotiate a Purchase and Sale Contract
Regarding the Brown’s Beach Property**

Introduced by: _____ Supervisor _____

WHEREAS, the Town desires to enter into negotiations with DPN Saratoga, LLC for the purchase of the Brown’s Beach real property located on Route 9P, Stillwater, New York;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a Letter of Intent and to negotiate a Purchase and Sale Contract from DPN Saratoga, LLC in an amount to be determined.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #48 of 2013.

A roll call vote was taken on Resolution #48 of 2013 as follows:

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

Motion carried. Resolution #48 of 2013 was adopted unanimously.

Communications

Elmore Robinson Rd: Supervisor Kinowski reported that some trees that were transplanted after road project have died. Residents are seeking to have them replaced.

Saratoga Plan: Supervisor Kinowski reported that he received notification of compliance procedure of open space grants and that Peter Hughes has already reviewed the properties in question.

Luther Forest Park: Supervisor Kinowski stated that the Malta Athletic Assoc. will maintain the park and requested that the Town expend \$15,000 to help maintain.

Motion by Councilman Baker and seconded by Councilman Petronis to allocate \$15,000 in funds to help main the park in Luther Forest. **Motion carried.**

Browns Beach: Supervisor Kinowski requested executive session to discuss contracts.

Public Input

J. Kusick inquired if Saratoga County was the only water supplier or if there were other options, if Browns Beach would come off the tax rolls if the Town purchases it, and if the dip in Van Ness Rd would be fixed.
Supervisor Kinowski stated that there are other suppliers in town, possibly Mackey or Iovinello, Browns Beach would come off the tax rolls, and that the dip in Van Ness Rd would be fixed.

Coke C asked if he could take pictures of the Town Board at their final meeting at the old Town Hall.

Art F inquired about the work inquired about the use of the excavator, water districts #3 & #4 and who controls the water level on Saratoga Lake.
Supt Minick stated that the excavator would be used for repair work.
Supervisor Kinowski stated the excavator would be used water drainage issues, retention ponds and multiple other projects. Water district #3 & #4 along with all other water districts would become #6. The SLA controls the water levels of Saratoga Lake.

Audited Claims

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

General	\$171--#182	\$8581.55
Town Outside	\$78--#83	\$2430.16
Highway	\$177--#200	\$42,980.38
Water & Sewer	\$24--#30	\$4969.91
Capital Projects		

Motion carried.

Motion by Councilman Baker 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