

**Stillwater Town Board
Business Meeting
July 15, 2010 7:00 PM
Stillwater Town Hall**

Present: **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**

Absent: **Councilman Artie Baker**

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

Sue Cunningham, Town Clerk took the roll call.

Adoption of Minutes: Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt the Minutes of the June 17, 2010 Business Meeting of the Stillwater Town Board. **Motion carried**

Bid Opening (Roller)

| | |
|-------------------|--------------------|
| Abele | \$33,692.90 |
| Admer | \$33,295.43 |
| Milton Cat | \$32,412.00 |
| Casale | \$33,250.00 |
| Anderson | \$38,137.00 |
| Vantage | \$33,116.00 |

Supervisor Kinowski questioned the next procedure following the bid opening.
Supt Minick stated that he reviews the bids, meets with the Highway Committee and then makes recommendation to the Town Board.

Special Presentation (Saratoga Plan-Grants)

Maria Trabka, executive Director of Saratoga PLAN gave a brief presentation on Conservation Easement Grant, which is where a landowner voluntarily agrees to sell or donate certain rights associated with their property and a private or public agency agrees to hold the right to enforce the landowners promise not to exercise those rights.

The property that filed an application for a Conservation Easement is being requested by the Stonecroft Farm located on Route 423 and the corners of Gronczniak Rd and Blizzard Rd. Discussion was held on budgeting, the property location, timeframe of submitting the grant and when payment would be due.

Resolution #62 Regarding Stonecroft Farm Development Rights

Introduced by: Supervisor

Be it,

RESOLVED that the Town Board hereby authorizes the payment of \$12,500.00 to Saratoga PLAN in partial payment for the Development Rights on the Stonecroft Farm (SBL 220.-1-33.1) conditioned upon the owner deeding up to a thirty (30) foot strip of land to the center line of Gronczniak Road and/or Blizzard Road for highway purposes.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #62.

A roll call vote was taken on Resolution #62 as follows:

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

Motion carried. Resolution #62 was adopted unanimously.

Champlain Canal Trailway: Maria Trabka gave a brief overview of a matching grant that is available for trails along the old Champlain Canal.

The consensus was to discuss this further at the agenda meeting.

Agenda Items Resolutions #51-#59

Resolution #51 SEQRA Determination regarding the Elmore Robinson Water Transmission Main

Introduced by: Supervisor

WHEREAS, the Town of Stillwater is proposing construction of a 13,250 LF water transmission main which will connect to the Saratoga County Water Authority Water System, run along Cold Springs Road and Elmore Robinson Road, and terminate at the intersection of Elmore Robinson Road and George Thompson Road;

WHEREAS, the proposed action has been determined to be an Unlisted action and will be subject to coordinated review pursuant to SEQRA, 6 NYCRR 617.4;

Now, therefore, be it

RESOLVED, that pursuant to the applicable standards of SEQRA (6 NYCRR 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 of the Town of Stillwater hereby declares its intent to be lead agency for the coordinated SEQRA evaluation; and be it further

RESOLVED, that the Town Board of the Town of Stillwater hereby authorizes the circulation of the lead agency agreement to the other involved interests agencies, indicating the Town Board's intention to serve as lead agency, including circulating part one of the full environmental assessment form.

Motion by Councilman Petronis and Councilwoman Bruno to adopt Resolution #51.

A roll call vote was taken as follows on Resolution #51.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Motion carried. Resolution #51 was adopted unanimously.

Naming the Stillwater Glen Hollow Park

WHEREAS, the Glen Hollow Town Park has been informally known as the “Saratoga Glen Hollow Park” and the “Paul F. Lilac Park” in the past; and

Now, therefore, be it

RESOLVED, that the town park located within the Glen Hollow community is hereby and hereafter to be known as the “Stillwater Glen Hollow Park” and that all records and signage referring to the Park shall utilize this name.

A roll call vote was taken as follows on Resolution #52.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Authorizing Expenditures for the Stillwater Glen Hollow Park

WHEREAS, by Resolution No. 59 of 2009, the Town Board authorized the expenditure of \$7,500.00 for the Highway Department to construct a pavilion at the Stillwater Glen Hollow Park; and

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to expend an amount not to exceed \$_____ per year for the construction of the Stillwater Glen Hollow Park.

Discussion: A discussion was held on the amount to be budgeted per year for the Construction of the Park. The consensus of the Town Board was to put the amount at \$50,000 per year until completion.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Authorizing The Chazen Companies to Revise the Existing Design Drawings for the Stillwater Glen Hollow Park

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WHEREAS, The Chazen Companies prepared a set of original design drawings for the Stillwater Glen Hollow Town Park in June of 2006 that have only been partially implemented; and

WHEREAS, the current site conditions are not consistent with the original survey and include physical improvements which are not referenced in the original design;

Now, therefore, be it

RESOLVED, that The Chazen Companies are hereby authorized to revise the original design drawings for the Stillwater Glen Hollow Park at an estimated cost of \$4,500.00 in accordance with the attachments hereto.

Motion by Councilman Petronis and Councilwoman Bruno to adopt Resolution #54.

Discussion: A brief discussion was held on the budgeted amount and request that the Engineer submit plans with a more reasonable approach to the park.

A roll call vote was taken as follows on Resolution #54.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Motion carried. Resolution #54 was adopted unanimously.

**Resolution #55 Authorizing the Police Chief
to send an Officer to the Police Academy**

Introduced by: Supervisor

WHEREAS, the Police Chief has recommended that Paul H. Pecor be authorized to attend the New York State Police Academy and return to the Department as a Stillwater Police Officer; and

WHEREAS, the officer will pay his own expenses to attend the academy, but has to be sponsored by the Town in order to attend;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Police Chief to send Paul H. Pecor to the New York State Police Academy at his / her own expense.

Motion by Councilman Petronis and Councilwoman Bruno to adopt Resolution #55.

Discussion: A brief discussion was held on whether this was to have another officer for the Town. It was stated that the Town was sponsoring the resident so he could attend the academy and that the Town was not obligated to hire this person.

A roll call vote was taken as follows on Resolution #55.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Motion carried. Resolution #55 was adopted unanimously.

Resolution #56

**Authorizing The Chazen
Companies to Provide Topographic Survey and
Mapping Services for the Proposed Water Transmission Main Extension**

Introduced by: Supervisor

WHEREAS, the Town Board desires to install a Water Transmission Main Extension along George Thompson Road, McDermott Road, and County Route 75; and

WHEREAS, in order to do so, a topographic survey and mapping of the proposed location is critical for the proper engineering and construction of the water main extension;

Now, therefore, be it

RESOLVED, that The Chazen Companies are hereby authorized to provide the topographic and mapping services for the proposed water transmission main extension along George Thompson Road, McDermott Road, and County Route 75 per the attached proposal at a total estimated cost of \$46,800.00.

Motion by Councilman Petronis and Councilwoman Whitman to adopt Resolution #56.

Discussion: Supervisor Kinowski stated that the purpose for this is that with the water shortage for water District #3 & #4, the water shed is drying up so the Town needs a new water source for the residents. He stated that an internal budget transfer would cover the cost of this project.

A roll call vote was taken as follows on Resolution #56.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Motion carried unanimously.

Resolution #57

**Authorizing the Supervisor
to Sign a Contract for Emergency Services with the
Stillwater Ambulance Fund**

Introduced by: Supervisor

WHEREAS, the existing contract for emergency services between the Town of Stillwater and the Stillwater Ambulance Fund, Inc. expired on December 31, 2009; and

WHEREAS, both the Town and the Ambulance Fund wish to renew the contract with certain modifications;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a contract for emergency services with the Stillwater Ambulance Fund, Inc.

Motion by Councilman Petronis and Councilwoman Bruno to adopt Resolution #57.

A roll call vote was taken as follows on Resolution #57.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Motion carried. Resolution #57 was adopted unanimously.

Resolution #58**Authorizing the Supervisor to Make Certain Budget Transfers**

Introduced by: Supervisor

WHEREAS, the Supervisor and Director of Fiscal Management recommend that the budget transfers described in the attachment hereto be made to balance the Town's accounts and to provide funding where it is most needed;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves the budget transfers described in the attachment hereto

Motion by Councilwoman Bruno and seconded by Councilman Petronis to table Resolution #58.

A roll call vote was taken as follows on Resolution #58.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Motion carried. Resolution #58 was tabled unanimously.

Resolution #59**Scheduling a Public Hearing to
Consider Two Local Laws Adopting New York State
Retirement System Early Retirement Incentives**

Introduced by: Supervisor

WHEREAS, the Office of the State Comptroller and the New York State Retirement System have released procedures for the implementation of the 2010 early retirement incentive signed into law as Chapter 105 of the Laws of 2010; and

WHEREAS, in order for Town employees to take advantage of the early retirement incentives, two local laws must be adopted to enable the Town to offer the incentive to its employees;

Now, therefore, be it

RESOLVED, that public hearings are hereby scheduled for August 5, 2010 at 7:00 p.m. and 7:05 p.m. at the Stillwater Town Hall, 66 East Street, Stillwater, New York 12170 to consider a local laws providing for early retirement incentives from the New York State retirement system.

Motion by Councilman Petronis and Councilwoman Bruno to adopt Resolution #59.

Discussion: Supervisor Kinowski stated that this was mandatory it was just a cost saving option. For this to happen, the Town needs to pass a local law, resolve to cover the law and how to achieve this. A discussion was held on the when this would be effective for and the incentive for an employee. Supervisor Kinowski read the proposed Local Laws:

**A LOCAL LAW TO ADOPT THE 2010 RETIREMENT INCENTIVE PROGRAM
PURSUANT TO PART A – CHAPTER 105, LAWS OF 2010**

A LOCAL LAW electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the Town of Stillwater.

BE IT ENACTED by the Town Board of the Town of Stillwater, as follows:

1. The Town of Stillwater hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.

2. The commencement date of the retirement incentive program shall be October 1, 2010.

3. The open period during which eligible employees may retire and receive the additional retirement benefits, shall be ninety (90) days in length and shall end on December 29, 2010.

4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Stillwater for each employee who receives the retirement benefits payable under this local law.

5. This act shall take effect August 19, 2010.

**A LOCAL LAW TO ADOPT THE 2010 RETIREMENT INCENTIVE PROGRAM
PURSUANT TO PART B – CHAPTER 105, LAWS OF 2010**

A LOCAL LAW electing a retirement incentive program as authorized by Chapter 105, Laws of 2010 for the eligible employees of the Town of Stillwater.

BE IT ENACTED by the Town Board of the Town of Stillwater, as follows:

6. The Town of Stillwater hereby elects to provide all of its eligible employees with a retirement incentive program authorized by Chapter 105, Laws of 2010.

7. The commencement date of the retirement incentive program shall be October 1, 2010.

8. The open period during which eligible employees may retire and receive the additional retirement benefits, shall be ninety (90) days in length and shall end on December 29, 2010.

9. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be paid as one lump sum, or in five annual installments. The amount of the annual payment shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and it shall be paid by the Town of Stillwater for each employee who receives the retirement benefits payable under this local law.

10. This act shall take effect August 19, 2010.

A roll call vote was taken as follows on Resolution #59.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Motion carried. Resolution #59 was adopted unanimously.

**Resolution #60 Accepting the Dedication of a
Right-of-Way/Easement from Rangela for
Sewer District No. 2**

Introduced by: Supervisor

WHEREAS the Town previously acquired the Gurba Transportation Corporation Sewer System containing what is commonly known as the Gurba Sewer System and related equipment; and

WHEREAS a portion of the Gurba Sewer System was constructed through the lands of Rangela but there does not appear to be an easement and deed of dedication on file; and

WHEREAS, in order to convey the entire system to the Saratoga County Sewer District No. 1 it is necessary to obtain and file a permanent right of way/easement and Deed of Dedication from the Rangelas;

Now, therefore, be it

RESOLVED that the Town Board as commissioners of Sewer District No. 2 hereby authorizes the Supervisor to sign, along with the Rangelas, the permanent right-of-way and easement for the sewer easement through the Rangela property;

And be it further

RESOLVED that the Town Board hereby accepts the Deed of Dedication from the Rangela's for ownership of the pipes running through the sewer easement on their property;

And be it further

RESOLVED, that the Supervisor is authorized to sign and the attorneys and engineers for the Town are directed to prepare and file all necessary documents to effectuate these transfers.

Motion by Councilman Petronis and Councilwoman Bruno to adopt Resolution #60.

Discussion: A brief discussion was held on the location of the property.

A roll call vote was taken as follows on Resolution #60.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Motion carried. Resolution #60 was adopted unanimously.

**Resolution #61 Requesting Lead Agency Status under the New York State
Environmental Quality Review Act (SEQRA) For the
Proposed Saratoga Pointe Planned Development District**

Introduced by: Supervisor

WHEREAS the Town Board will be considering for action on August 19, 2010, Local Law No. _____ of 2010 to approve the Saratoga Pointe 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 interest/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.

Motion by Councilman Petronis and Councilwoman Bruno to adopt Resolution #61.

Discussion: A brief discussion was held on whether this was already done. Supervisor Kinowski stated that the Board needed to pass this Resolution, wait thirty days and then they can adopt the proposed PDD Local law.

A roll call vote was taken as follows on Resolution #61.

| | |
|----------------------|--------|
| Councilman Baker | Absent |
| Councilman Petronis | Yes |
| Councilwoman Whitman | Yes |
| Councilwoman Bruno | Yes |
| Supervisor Kinowski | Yes |

Motion carried. Resolution #61 was adopted unanimously.

Note: Resolution #62 was adopted during the special presentation.

Councilwoman Bruno inquired about the proposed Local Laws for extending the term limits of the Supervisor and Tax Collector.

Supervisor Kinowski presented the Town Board members with two Local Laws that were prepared to extend the terms of the two elected positions.

Councilwoman Bruno also requested to advertise a public hearing on having term limits on Town Board Supervisor and Town Board Members.

Supervisor Kinowski stated that he had nothing on this to present to the Board or to authorize a public hearing. Without any information before him he was not willing to move forward at this time.

Further discussion was held on term limits and time frame in order to have this ready to be placed on the ballot.

Resolution #63 Scheduling a Public Hearing to Consider Local Laws To Extend The Terms of Town Supervisor and Tax Collector

Introduced by: Supervisor

Be it,

RESOLVED, that a public hearing is hereby scheduled for August 5, 2010 at 7:10 p.m. at the Stillwater Town Hall, 66 East Street, Stillwater, New York 12170 to consider Local Laws No. _____ and _____ of 2010 to extend the terms of the Town Supervisor and Tax Collector to four (4) years.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #63.

A roll call vote was taken on Resolution #63 as follows:

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

Motion carried. Resolution #63 was adopted unanimously.

Public Input

Art F. question Resolution #51 in regard to the EPA study, Resolution #54 in regard to payment for another design, Resolution #57 in regard to amount budgeted, and Resolution #59 in regard to paying someone to retire.

Engineer Lanaro stated that all environmental studies have been completed regarding Resolution #51.

Supervisor Kinowski stated that they scaling back the design of the park and making it simpler, the amount budgeted for the ambulance contract is \$113,000 and for Resolution #59 the Town would be saving in the long run.

Supervisor Kinowski

Fiscal Advisor: Supervisor Kinowski stated that he was informed that after a conference call between himself, the Bookkeeper and the Towns Fiscal Advisor the Town received an excellent report with a double A rating which would give the Town very low interest rates.

Browns Beach: Supervisor Kinowski stated that he has a meeting with the owner of Brown’s Beach and hopefully the Town can capture the beach back to the residents. He invited Councilman Petronis to the meeting if he was available.

Audited Claims

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

| | | |
|------------------|-------------|-----------|
| General | \$6,352.80 | #301-#317 |
| Highway | \$15,206.76 | #300-#324 |
| Town Outside | \$1,405.00 | #103-#107 |
| Water | \$176.48 | #54-#56 |
| Capital Projects | \$4,026.98 | #43-#44 |

Motion carried.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adjourn the Business meeting of the Stillwater Town Board at 8:50 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk