

Stillwater Town Board
Business Meeting & Public Hearing
(Eminent Domain)
July 19, 2007 7:00 PM
Stillwater Town Hall

Present: **Councilman Artie Baker**
 Councilman Ken Petronis
 Councilwoman Joan Ronda
 Supervisor J Gregory Connors

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

Absent: **Councilwoman Jo Ann Winchell**
 Mark Minick, Supt of Highways

7:00 Public Hearing

Purpose: To describe, review and receive comments on a proposal by the Town Board to acquire easements across tax map parcels 253:00-2-41 and 253:00-2-72.21 for the purpose of constructing wastewater collection lines and related facilities.

Attorney Beebe explained the Eminent Domain process.

Supervisor Connors stated that representatives of the property owners were in attendance and wanted the record to reflect that the Town and property owners are working diligently to resolve the matter without completing the eminent domain process.

Engineer Lanaro gave a brief presentation of the overview and history of the project.

Supervisor Connors called the meeting to order.

Sue Cunningham, Town Clerk took the roll call. (She noted that Councilwoman Winchell was on vacation and would not be here this evening).

Sue Cunningham, Town Clerk noted for the record that the public hearing was properly advertised and posted.

Public Input

Resident I inquired about the developments, how the sewer line would run, and why the line doesn't go through the developer's property to avoid getting easements.

Engineer Lanaro stated that the Town started being part of this project when the timeliness of their work fell behind. This is intended to be the current approach to mitigating the impacts of discharges of the PNL property. He stated that this was not facilitating a connection to the developer's property; it was a transmission line only.

Resident II stated that she has had a bad experience with this developer dating back to January 2006. She strongly suggested that the Town insist Camelot deal with the wetland problems they have because they have not dealt with the problems they have with her. She stated that they are discharging stormwater and retention ponds that don't work and that Camelot is not a responsible builder. She requested that if there was a representative here tonight they address her problem before starting this other project.

Supervisor Connors stated that he was not going to permit this. The public hearing purpose was to discuss this particular project and if at the conclusion they want to discuss it with her that would be fine.

Camelot Representative stated that they were in opposition to the eminent domain process. They are trying to reach solution with the Town in order to avoid the eminent domain proceedings. The line as proposed does not follow the road beds that they have designed which will cost them some potentially undevelopable lots. He asked if the Engineer considered following the road beds and using their designs that they have already paid for. He said he can't really discuss waste water issues because it was not something he was here to address. He wanted to make an objection to the way the line is going at this point it is a true benefit to PNL and not their parcel.

Camelot has designs which set forth a road bed where they plan to put the sewer and still attempting to work towards that. They have no problem giving the town the benefit of that expense and have the Town use those designs for purposes of inserting the lines. He proceeded to go over their objections to the eminent domain process and permits they are waiting for from the Army Corp of Engineers.

Resident I asked if he was talking about Camelot or Revolutionary Heights and where they were going to loose all the lots.

Camelot Representative stated that stated that Camelot is the owner and Revolutionary Heights is the name of the development. He proceeded to show him on the map the different proposed routing of the lines.

Camelot Representative wanted it known for the record that Camelot has offered to give the Town an easement to run through their road beds.

Resident III inquired about the lines through the eminent domain process vs the road beds and the cost to the Town.

Engineer Lanaro proposed line is intended to be the shortest distance between two points and believe the cost will be less. They have developed a plan that will minimize the regulatory review process and will avoid a lot of the agency review process.

Resident III asked if the Town runs the line and there are no users the Town is responsible.

Engineer Lanaro stated that there are users which are PNL and Carley.

Resident III asked if they run it through their road beds like they suggested who was going to pay the additional cost.

Engineer Lanaro stated that the users would pay and that they were not putting the lines in on their road beds.

A discussion was held in regard to the cost to the Town and lines being put in on the road beds.

Resident IV inquired if PNL would ultimately benefit from this than why they aren't paying the cost.

Engineer Lanaro stated that it's not just PNL, there is sewer capacity that is built into the system for possible expansion and properties that are included in that plan and an adjoining parcel owned by Carley. He said that the Development would not have any capacity reserved for use and would be subject to district formation and permits.

Discussion on who would benefit, cost, and process.

Resident V inquired who owns the land where the Town is trying to get an easement.

Engineer Lanaro stated that the easement that they are securing is across the lands of Camelot.

Resident VI stated that she remembers the first agreement for PNL to come down over the hill they were going to pay the whole amount which was \$650,000.

Supervisor Connors stated that they never agreed to pay the whole amount. The agreement was that they would pay 65% of the total cost which was based on a million dollar project.

Resident VI asked what the figure was now.

Supervisor Connors stated that the total cost is about 1.5 Million and they have agreed to pay 65% of that.

Resident I stated that his interpretation was that the developers would pay for this and then it would come from people who live there and now it's 65% of the project cost.

Supervisor Connors stated that 65% is the PNL cost which is the Saratoga Hills Mobile Home Park.

Councilman Petronis asked if they have heard anything about the permits for their project.

Camelot Representative stated that they have received approval from the State Historic Preservation Office and went on to explain the process from there.

With everyone having the opportunity to be heard the Public Hearing was adjourned at 7:30 PM.

7:30 PM Regular Meeting.

Supervisor Connors called the meeting to order and led everyone into the Pledge to the Flag

Sue Cunningham, Town Clerk took the roll call.

Approval of Minutes: Motion by Councilman Petronis and seconded by Councilwoman Ronda to approve the minutes of the June 21, 2007 Business Meeting of the Stillwater Town Board.
Motion carried.

Communications: Sue Cunningham, Town Clerk stated that four communications have been received.

1. Saratoga County Prevention Council regarding a teen gambling program that is being held at the Mechanicville Area Community Center. They would like Town Officials to participate.
2. She stated that an email was received from Lee Moll regarding his frustration after 14 months in having two used vacant trailers removed from his parent's property.
3. Memo from Councilwoman Winchell requesting executive session for the Agenda Session on August 2, 2007 for the purpose of addressing the formal complaint registered by a resident against the Director of the Building Department.
4. Memo from Councilwoman Winchell requesting that the Town Board grant permission for a resident to conduct an evaluation that could be helpful with identifying plant species on the Riverfront Park property.
The Town Board had no problem granting permission to the resident.

Supervisor Connors stated that there was a late edition at the request of the Town Attorney which was an amendment to Resolution #141 that was adopted at the June meeting. He said that Resolution #141 authorized the Town of Stillwater to seek financing for the sewer district, which was in part subject to the public hearing, in the amount of \$745,000. This Resolution was adopted and upon further review of the map, plan & report they found it wasn't necessary to borrow that much money. They needed to borrow \$638,000. In order for the Town to use the mechanism to borrow the money the Resolution needs to reflect the amount they need to borrow.

Motion by Councilwoman Ronda and seconded by Councilman Petronis to adopt amended Resolution #141.

A roll call vote was taken as follows:

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

Motion carried. Resolution #141 (Amended) was adopted unanimously. (Copy attached and made part of the minutes).

Agenda Items: (Resolution #144- #148)

Resolution #144: Authorize the Supervisor to execute a Grant Agreement with NYSDOT for \$90,000 for certain road improvements.

Resolution #145: Authorizing the establishment of an Escrow Account for Stillwater Woods Subdivision.

Resolution #146: Authorizing the Supervisor to enter into a contract with One Day Signs to install a replacement sign at the west entrance to the Saratoga Glenn Hollow subdivision.

Resolution #147: Authorizing the Supervisor to remit payment to Erdman, Anthony and Associates, Inc in the amount of \$274,521.20 for work completed at risk for design and construction of the Cold Springs Road Improvement Project.

Resolution #148: Authorize the Supervisor to enter into a contract with the Mechanicville District Library for additional library services to the residents of the Town of Stillwater for the year 2007/2008.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolutions #141 - #148.

Resolution #146 (Saratoga Glen-replacement sign)

Discussion: Councilman Petronis asked when it became the Towns responsibility for maintaining the signs to the developments.

Supervisor Connors stated that it was in the PDD legislation.

Resolution #147 (Cold Springs Road Project)

Discussion: Councilman Petronis inquired if this was the final amount proposed. Supervisor Connors stated that it was the amount submitted by the Engineer and that it was 100% reimbursable. He stated that they could add a friendly amendment stating not to exceed.

Motion by Councilman Petronis and seconded by Councilwoman Ronda to add a friendly amendment to Resolution #147 to read to remit payment not to exceed \$274,521.20.

A roll call vote was taken as follows:

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

Motion carried.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #141 - #148.

A roll call vote was taken as follows:

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

Motion carried. Resolutions #141- #148 were adopted unanimously. (Copies attached and made part of the minutes).

Public Input

Resident I inquired about Resolution #144 and if this was the \$90,000 member item that Bruno gave to the Highway Dept. for repairs and improvements. Supervisor Connors stated that it was.

Resident II commented that the flooding situation on her property has been going on since January of 2006. She stated that she appreciated copies of the problem that Camelot has with DEC. She stated that it was up to the Town Board to make them responsible and asked how and if they have been made responsible.

Supervisor Connors stated that they have made progress. As a result of the action the Town took to get DEC to enforce their permit. He stated that he has spoken with DEC, was told that it was an active investigation and that DEC will report to the Town upon the conclusion of their investigation.

Resident II inquired if the Town holds money in escrow in case the builder doesn't fulfill all his requirements.

Supervisor Connors stated that the town holds escrow accounts for public roadways and is not familiar with any escrow created for stormwater management.

Resident II inquired about the retention ponds and if the Town has taken over the ponds.

Supervisor Connors stated that the retention ponds under the jurisdiction of DEC.

Engineer Lanaro stated that DEC is reviewing the retention ponds for compliance and the problem is that changes were made to the drain system after the work was completed and accepted.

Resident II stated that this was highly visible by the Supt of Highways seeing that he maintains that road.

Discussion was held on the Town's responsibility, the cause and the route of the drainage.

Resident II commented that according to Supervisor Connors he received a letter stating that she wasn't to talk to him publicly about this situation. She talked to her attorney and read the letter he received from her attorney and it had nothing to do with that.

Resident III commented Van Ness Rd and asked if that project was on the book for this year.

Councilman Baker stated that he met with Supt Minick and was informed that there has not been any movement so they will be holding off till next year to make the repairs.

Resident III inquired if it was possible to re-design that road to be redirect.

Supervisor Connors stated that they have been saving money out of each budget for the last couple of years and dedicated it to that capital project.

Discussion was held on the stabilization of the road and project cost of Van Ness Rd.

Resident III inquired about consolidation of BANS, the remaining debt left, inquired about the status of the \$235,000 Bruno is suppose to fund to the Town and if she could have documentation of this.

Supervisor Connors stated that they are looking at consolidating the BANS into serial BONDS, the remaining debt is approximately 1.1 or 1.2 million dollars on the principal, and a resolution tonight authorizes him to sign an agreement for \$90,000, there is another legislative initiative they received a week ago for another \$135,000 and the Senator's office has given them some assurance based on additional data they need to submit to him, the balance would be forthcoming sometime in October and he would give her copies of what he has.

Resident III inquired about the surplus funds from the County and what happened to the surplus received last year.

Supervisor stated that his first act would be return that money to the taxpayer to reduce taxes but doesn't want to make any public commitment until he sees what direction the budget is going.

He stated that it went to reduce taxes, paid for the codification program, and several other things. Resident III inquired about the PNL sewer line and the agreement with PNL paying 65% of the total cost.

Supervisor Connors stated that the total project cost came in about 1.5 million dollars so they will be paying approximately one million. To date they have paid close to four hundred thousand dollars to date.

Resident I questioned the \$90,000 member item tonight marked for road improvements and the other amount for the Highway is \$103,000 out of the economic growth money to hire two men. She questioned the \$90,000 tonight not being of the \$235,000.

Supervisor Connors stated that the \$90,000 is part of the \$235,000.

Resident I stated that she did the paperwork for two men at \$103,000 plus benefits out of that \$235,000. She said that she didn't do \$90,000 for road improvements. She looked at the member item list and that is coming in for road improvements. She doesn't see that as part of his \$103,000 which means he won't be able to hire the additional two men.

Supervisor Connors stated that it is part of the \$103,000 and they will comply too the terms and conditions of the grant agreement.

Resident IV questioned as to who did the final inspection of the work related to the Stratton Lane Development and who accepted it?

Supervisor Connors stated that usually it would be the Town engineer and the Supt of Highways. Resident IV commented on the last two board meetings and heard things that concerned her. She stated that two meetings ago a resolution was brought up to hire a new employee for the Office of Building, Planning & Development. At that time Councilwoman Winchell requested that this be discussed. Supervisor Connors answered was that it could be discussed at the next meeting. Councilwoman Winchell requested more information regarding this position and the need for it. At the next meeting she asked questions and was appalled at the response Supervisor Connors gave her. (She quoted from the minutes of June 21, 2007 page 76) resident IV stated that she was representing the taxpayers in the Town by asking for facts. She stated that there is about a sixty percent decline in building permits issued, the budget reflected \$12 an hour so these are valid questions. She said that for Councilwoman Winchell to be cut off in that manner was inappropriate and did not show a good side of Town Government.

Resident IV commented on Ethics and an opinion prepared by the Attorney in regard to conflict of interest and whether it was a conflict for the Supervisor to be supervising his son, David Connors, as Director of BPD. She stated that no laws are being broken but the Office of the State Comptroller gives two opinions. She proceeded to read the opinions. She commented on the Attorney employing Scott Ronda who is Councilwoman Ronda's son. She inquired why the Supervisor or Councilwoman Ronda doesn't excuse themselves from discussion involving these two.

Supervisor Connors stated for the record that the opinion of the Town Attorney stands and the Town Board was happy with the representation and his opinion.

Attorney Beebe stated that the opinions she read doesn't sound like they apply. He said that that he was not going to debate his opinion.

Resident IV commented on her FOIL requests that were denied. She stated that all appeals and determination are to be sent to the NYS Committee of Open Government. She said she called down there and they have not received anything from the Town, when it is required to respond within ten business days of appeal.

Supervisor Connors stated that he wasn't sure they have acted on this yet.
A discussion was held on the meaning of the word respond and acknowledge.
Attorney Beebe stated that it would be sent on to the state.
Resident IV inquired about her list of outstanding questions.
Councilwoman Ronda stated that she has finished them and will have them for the next meeting.

Resident V commented on the Supervisor's position and that according to the State Town laws the Supervisor is a Town Board Member and each Town Board Member has equal rights. He stated that Supervisor Connors was wrong in his remarks stopping Councilwoman Winchell from speaking. She was speaking on Town matter.

Resident V commented on the minutes of Town Board meetings and that the Town Clerk is not keeping an accurate record of the meetings. He said each Board member should receive a carbon copy of the minutes and the general public has the right to examine and obtain copies.

Supervisor Connors asked if this had to do with his FOIL request in regard to the tapes.

Resident V stated no, he commented that the Board should have their minutes prior to the meeting and correct any errors or eliminate certain things they don't want in the minutes prior to approving the minutes. He also commented that the minutes are not complete with what everyone says at the Town Board meetings.

Councilwoman Ronda and Councilman Petronis both stated that they received their minutes prior to the meeting and had the minutes before them.

Supervisor Connors stated that he was confident that the Town Clerk administered her duties in respect to the minutes properly. He stated that the Town Clerk has no obligation to transcribe word for word discussion.

Resident V commented on the Agriculture & Market in regard to farm animals being referred to as domesticated animals. He commented that all farmers in Town are in violation of Town Law for cruelty of animals. He requested that the wording domestic be changed to farm.

Resident VI inquired if there is anything on Water District #4?

Supervisor Connors stated that they will be holding a presentation within the next couple of meetings.

Resident VI inquired about Resolution #146.

Supervisor Connors stated that it is a requirement of the legislation that was adopted by the Town.

Resident VI commented on Councilwoman Winchell's decision and stated that he would miss her.

Resident VII read his email to the Board. (On file in the Town Clerk's Office) He stated his frustration with the appalling nature of how the Board has handled the trailers parked on the adjoining property next to his parents. He stated that this has been going on for 15 months. He was told by the Director of BPD that he has done everything he can and it is now a civil action. He gave a brief overview of the situation and time line of events with the Director of BPD and where it stands with the court.

Resident VIII commented on the responsibility of the Director of BPD, the Unsafe Building Law, Mobile Home Ordinance, and Abandoned Vehicle Law. He questioned what the abandoned trailers fall under and requested that the Supervisor abstain from answering. He would like to know the Town Board feelings about this and that they should be concerned about the trailers. He submitted two FOIL's in regard to ZBA meeting notes in 2007 and actions the Town has taken against trailer parks with vacant trailers. He wanted to know what it takes to get the two trailers removed.

Councilman Baker inquired if the trailers were unsecured.

Resident VIII stated that the trailers were not secured. He commented that he has had two offers on the property in which the owners of the trailers have driven off.

Councilman Petronis stated that they should be removed and questioned where this stood in the court.

Resident VIII stated that the Judge gave the owners until June 13th to have the trailers removed, the owners called the Judge on June 13th and requested more time, and the Judge gave him until July 27th. Resident VIII asked what happens when they need more time.

A discussion was held on the Town's right to have them removed.

Councilman Baker stated that if the trailers are not removed by the July 27th date the Town Board will do a resolution to have the Town take action to have them removed.

Resident VIII commented on the article in the paper regarding Councilwoman Winchell's decision. He stated that it was an injustice to her.

Supervisor Connors stated that in this room the business of the residents of the Town of Stillwater is done. He stated that if he had a political issue he could speak to anyone outside this room. This was inappropriate to discuss this.

Resident VIII inquired about the hiring of Lori Mallory and the relationship between her and Scott Ronda and if they share the same PO Box.

Councilwoman Ronda stated that they are friends. She stated that Scott lives at her house and receives his mail there. To her knowledge they do not share a PO Box.

Resident VIII commented on the rate of pay, the NYS Division of Human Rights Act, and Equal Opportunity Employment. He asked if the Town of Stillwater advertise this position and interviewed other interested parties.

Councilman Petronis stated he believes other parties were interviewed but he does not have a record of this.

Resident VIII asked if other Town Board members were part of the interview process and were the references checked on the person hires. He proceeded to read the references

Supervisor Connors stated that the references were checked and the Town Board was provided with copies of her resume.

Resident VIII stated that the residents had a right to know and wanted the resume on permanent record. (Copy attached). He stated that there are many employees in the Town of Stillwater that are paid much less than the new girl hired. He stated that these employees are now open to a NYS Division of Human Rights lawsuit against the Town of Stillwater. They all had equal rights to apply for that position. He asked if the Town could show that they didn't either apply or were contacted about the open position. He stated that they also opened the Town up to the Federal Office of EEOC which could come in and request that the Town show that they reached out to minorities. He stated that it should be questioned that an individual who puts down a PO Box proves that she is a resident of Stillwater.

Councilwoman Ronda stated that she couldn't prove anything.

Resident VIII stated that she has the equal right of the Supervisor when this kind of decision is made. He stated that there are five members who have the same rights, Councilwoman Winchell was shut down inappropriately by the Supervisor and Councilman Petronis requested permission to speak.

Councilwoman Ronda commented that the Court Clerks don't make the same amount of money as the Clerk for the Assessor. Was there ever an issue made about that?

Resident VIII asked if they were all allowed to apply for the same position and why not.

Councilwoman Ronda stated absolutely not. It has never been a procedure the Town followed. She went over the different clerks who worked for the Town and the pay rate.

Resident VIII stated that he spoke with the County Director of Personnel and asked him what it takes to be Director of Planning in the Town of Stillwater, he was told he has to pass the Civil Service Test. David Connors was appointed in 2004 and now its 2007, and he took a test in 2005 and didn't make the eligible list. He asked what happens to the 2007 test if another Stillwater resident passes the test.

Supervisor Connors stated that a list would have to be created and they would be guided by the advice of the County Civil Service.

Resident VIII asked if another resident passes the test if the Town Board would reach out to that resident and offer him the position.

Supervisor Connors stated no because when a current provision of law says that when a position is filled by a provisional employee that provisional employee passes the exam for that position the provisional employee is automatically appointed.

Resident VIII stated that the Town doesn't reach out and advertise that there is an opening.

Supervisor Connors stated that there was a very aggressive advertising by the County Civil Service.

Resident VIII asked how the Director of BPD receives a forty-three percent pay raise from the time he has been provisionally in office.

Resident IV read a statement "It will need a team effort, a bi-partisan effort one that puts partisanship aside and people first". She stated that this came from Connors for Town Supervisor advertisement.

Resident V inquired about the Town ordinances in regard to unlicensed trailers and unlicensed vehicles.

Supervisor Connors stated that there was an abandoned vehicle law and not sure how one would license a trailer.

Resident VI inquired about the time frame of the minutes being put on the Town web page and requested that when a board meeting is canceled they post it on the web. Supervisor Connors stated that the minutes needed to be approved before they are posted on the website and as for the posting of canceled meeting that is left to the webmaster and wishes that the canceled meetings could be posted that quick.

Resident VII commented on the website and the appointments for committees. Supervisor Connors stated that Dept Heads are listed as ex-officio member who would have relevance to those committees. Resident VIII inquired as to when the minutes are sent to the webmaster. Sue Cunningham, Town Clerk stated that it is usually a month, maybe a month and a half. Resident VIII commented on the Town Board Meeting that was to be held on July 5th. She stated that it was in the paper that the meeting was canceled and the next meeting would be July 19th. Supervisor Connors stated that he didn't know where they received that information and the meeting was canceled at the last minute.

Resident IX asked if it was possible to include in the Planning & Zoning minutes posted on the website how many zoning actions and building permits were issued in the month. Supervisor Connors stated that he believes the Planning & Zoning minutes were posted now and should include anything that requires record in the minutes.

Councilman Petronis inquired if Judge Peluso has all the facts in regard to the abandoned trailers and how long the trailers have been there. David Connors, Director of BPD stated that an appearance ticket was issued that ordered the owner of the trailers to appear in court with an accusatory. The accusatory had a full recitation of the facts, Judge Peluso rendered his decision and he doesn't know what else they can do. Councilman Petronis wanted to know if the Judge was informed on how long this has been going on. David Connors stated that he almost positive that the Judge has been brought up to speed regarding this situation. He stated that the Zoning Board of Appeals deliberated this decision over four months that delayed the process. They weren't suppose to write the appearance ticket while the Zoning Board of Appeals deliberated their decision. Attorney Beebe inquired as to what happened with the Zoning Board. David Connors stated that they denied the request to put the trailers where they are. Attorney Beebe stated that he doesn't know what else the Town can do at this point. He stated that there is a process and the Judge has the right to make a decision such as that and give the person another thirty days. Discussion was held in on this topic in regard to the timeframe of events.

Audited Claims

Motion by Councilman Petronis and Councilwoman Ronda to pay the audited claims. A roll call vote was taken by the Town Clerk.

General	#316-#370	\$59,130.97
Highway	#291-#322	\$119,546.90
Town Outside	#61-#67	\$3,724.03
Water & Sewer	#50-#54	\$1,295.56
Capital Projects (Boilerhouse)	#43-#45	\$10,126.00

Motion carried.

Motion by Councilman Baker and seconded by Councilwoman Ronda to adjourn the Town Board meeting at 8:50 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk