

**Stillwater Town Board**  
**Business Meeting/Public Hearing**  
*(Saratoga Lake PDD)*  
**August 16, 2012      7:00 PM**  
**Stillwater Community Center**

**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**  
                                      **Daryl Cutler, Attorney for the Town**  
                                      **Stu Messinger, Engineer for the Town**

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

Sue Cunningham, Town Clerk took the roll call.

**7:00 PM Public Hearing      Saratoga Lake PDD**

Purpose: The purpose of the Public Hearing is to afford the public the opportunity to comment on a proposed Local Law amending the Saratoga Lake Planned Development District.

Supervisor Kinowski explained the purpose of the public hearing and opened the meeting up for public comment.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing at 7:04 pm. (Note: no one from the public commented)

**7:05 PM Regular Meeting**

**Reports                      Town Board & Department Heads**

**Councilwoman Whitman**

Exemptions: Councilwoman Whitman questioned the impact on assessments and the budget if veteran's exemptions were raised.

Supervisor Kinowski stated that he requested the assessor prepare a cap and impact statement. The total impact on the budget is not known yet and he thought they could discuss it at budget time.

Police car: Councilwoman Whitman questioned why the police chief was not here to discuss the purchasing of police vehicles. She also inquired when the Town sponsors someone to attend the police academy the Town has to hire that person.

Discussion was held on the police budget and sponsoring practice.

2013 Budget Statement: Councilwoman Whitman read a statement regarding the upcoming 2013 budget.

**Councilman Baker**

Crosswalk: Councilman Baker commented on the nice job done on the crosswalk that was done across Route 76 near the Glen Hollow Park.

**Councilwoman Bruno**

Assemblyman Tony Jordan: Councilwoman Bruno reported that Assemblyman Jordan would be in Town on Sept 17<sup>th</sup> and his schedule would be 1:00 PM at Stillwater Glen Hollow Park, 2:00 PM at the Stillwater Library and 2:30 PM at the Blockhouse Park to talk with Town residents.

**Supervisor Kinowski**

Blockhouse: Supervisor Kinowski reported that he has met with the Village Mayor regarding bringing water & sewer to the north end of the Blockhouse Park property.

**Supt of Highways (Mark Minick)**

Sup't Minick gave a brief update on the work the Highway Dept has been and will be doing.; Fitch & Farley Rd have been completed except for putting up the guardrail.; Rt. 4 sidewalk will start on Monday and should be completed by the end of the week; village will be flushing hydrants on Monday & Tuesday so the Town will be flushing hydrants on Wednesday & Thursday; and a2" water line and spicket have been installed up in the Glen Hollow Park.

**Adoption of Minutes: Motion** by Councilwoman Whitman and seconded by Councilman Petronis to adopt the minutes of the July 19, 2012 minutes. **Motion carried.**

**Agenda Items (Resolutions #65--#76)**

**Resolution #65 Finding That the Amendments to the  
Saratoga Lake Planned Development District  
Will Not Have a Significant Environmental Impact**

Introduced by: Supervisor

WHEREAS, a Public Hearing was conducted at a Town Board meeting on August 16, 2012 at which the environmental impacts of the project were presented and discussed; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in 6 NYCRR 617.7(c) and has referred the matter to the County Planning Board; and

Now, therefore, be it

RESOLVED, that the Town Board, acting as lead agency for the coordinated SEQRA evaluation of the Saratoga Lake Planned Development District hereby determines that the proposed unlisted action will not have a significant environmental impact and therefore determines that a draft environmental impact statement will not be prepared pursuant to the applicable standards of 6 NYCRR Part 617 (SEQRA); and be it further

RESOLVED, that the Town Board authorizes the dissemination of the attached Notice of Determination of Non-Significance to all involved and interested agencies.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #65 of 2012.

A roll call vote was taken on Resolution No. 65 of 2012 as follows:

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

**Motion carried.** Resolution #65 of 2012 was adopted unanimously.

**Resolution #66 Adopt Local Law No. \_\_\_\_ of 2012  
Regarding Saratoga Lake Planned Development District**

Introduced by: Supervisor

WHEREAS, a public hearing was appropriately noticed for and conducted on August 16, 2012 to consider Local Law No. \_\_\_\_ of 2012, regarding Saratoga Lake Planned Development District, where comments from the public and board members were presented and considered;

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law No. \_\_\_\_ of 2012, a Local Law amending the Saratoga Lake Planned Development District as proposed in the attachment hereto; and be it further

RESOLVED, that the Town Clerk shall file Local Law No. \_\_\_\_ of 2012 with the New York Secretary of State forthwith.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #66 of 2012.

A roll call vote was taken on Resolution #66 of 2012 as follows:

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

**Motion carried.** Resolution #66 of 2012 was adopted unanimously.

**Resolution #67                      Setting a Public Hearing to  
Consider Allowing Projects or Services  
In Lieu Of GEIS Fees**

Introduced by:                      Supervisor

WHEREAS, the Generic Environmental Impact Statement (“GEIS”) and Statement of Findings adopted by the Town Board in March, 2009 requires Developers to pay Mitigation Fees for impacts on Parks and Recreation, Farmland and Open Space, and GEIS preparation costs; and

WHEREAS, the Chazen Companies have proposed an Amendment to the 2009 GEIS Findings Statement which would permit the Town to accept projects and/or services in lieu of the payment of Parks and Recreation, Farmland and Open Space components of the GEIS Mitigation Fees;

WHEREAS, the original GEIS and Findings Statement adopted after the series of workshops and public hearings, such that the Town Board now desires input from the public before adopting the proposed changes;

Now, therefore, be it

RESOLVED, a public hearing is hereby set for 7:00 p.m. on September 6, 2012, at the Stillwater Town Hall, 66 East Street, Stillwater, New York to consider the attached Amendment to the Town-wide GEIS Findings Statement allowing projects or services in lieu of the payment of Parks and Recreation, Farmland and Open Space GEIS Mitigation fees; and

RESOLVED, the Town Clerk is directed to appropriately publish and post notice of the Public Hearing.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #67 of 2012.

A roll call vote was taken on Resolution #67 of 2012 as follows:

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

**Motion carried.** Resolution #67 of 2012 was adopted unanimously.

**Resolution #68                      Authorizing the Supervisor to Hire an Appraiser  
Regarding the PNL Tax Certiorari Matter**

Introduced by: Supervisor

WHEREAS, in continuation of the PNL tax certiorari against the Town of Stillwater, which challenges the assessment on its property, it is necessary to hire a certified appraiser to value the property;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to hire Neil Cherkosly of Upstate Appraisal Services, Inc. to provide the Town of Stillwater with an evaluation report at a cost not to exceed \$3,000.00 in order to further defend the PNL tax certiorari proceeding.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #68 of 2012.

A roll call vote was taken on Resolution #68 of 2012 as follows:

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

**Motion carried.** Resolution #68 of 2012 was adopted unanimously.

**Resolution #69                      Providing Section 384-d  
(20-year Retirement Plan for Police Officers)**

At a meeting of the Town Board of the Town of Stillwater held at Town Hall, 66 East Street, Stillwater, New York, on August 16, 2012, Supervisor Kinowski offered the following resolution:

BE IT RESOLVED: that the Town Board of the Town of Stillwater does hereby elect to provide the benefits of Section 384-d of the Retirement and Social Security Law, as presently or hereafter amended, for any member who duly elects to enroll in this plan.

BE IT FURTHER RESOLVED: that the effective date of such shall be the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #69 of 2012.

Discussion: Councilwoman Whitman questioned the change in retirement, if it was mandatory and the justification for the change.

Supervisor Kinowski stated that when the Town decided to have a retirement plan it was the worst plan and has never been updated. It was requested that the Town update the plan and he felt the Chief was deserving of the updated plan for the years of work service given to the Town.

A roll call vote was taken on Resolution #69 of 2012 as follows:

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

**Motion carried.** Resolution #69 of 2012 was adopted unanimously.

**Resolution #70                                      Authorizing the Supervisor to Apply  
For Hudson Valley Greenways Grant**

Introduced by: Supervisor

WHEREAS, the Town of Stillwater is applying to the Hudson River Valley Greenway for a grant under the 2012 Greenway Conservancy for the Greenway Conservancy Small Grant Program for a project entitled: *Stillwater Champlain Canal / Hudson River Corridor Historic Multi-Use Trail Construction* to be located within the Town of Stillwater; and

WHEREAS, the grant application requires the applicant municipality to obtain the approval / endorsement of the governing body of the municipality or municipalities in which the project will be located;

Now, therefore, be it

RESOLVED, that the governing board of the Town of Stillwater hereby does approve and endorse the application for a grant under the 2012 Greenway Conservancy Small Grant Program, for a project known as *Stillwater Champlain Canal / Hudson River Corridor Historic Multi-Use Trail Construction* and located within this community.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #70 of 2012.

A roll call vote was taken on Resolution #70 of 2012 as follows:

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

**Motion carried.** Resolution #70 of 2012 was adopted unanimously.

**Resolution #71                                      Expand the Capability of the Building Department  
And Increase Budget**

Introduced by: Supervisor

WHEREAS, the Town Board has recognized a need to enhance the capability of the Building and Planning Department to meet current and future demands implementing all required building and zoning regulatory requirements; and

WHEREAS, to meet these current demands, the following personnel and position changes and additions are needed and will be implemented effective as indicated below:

- Beginning Pay Period, 27 Aug 12, Mr. Pete Hughes, currently the Fire Marshall and 911 Coordinator, will be additionally appointed as an assistant Building Inspector and Code Enforcement Officer. Mr. Hughes possesses all qualifications for these duties and has passed all required county tests. This position will be part-time, 30 hour per week, at

a combined salary of \$30,000 and no health benefits required. The person occupying this position will report to the Director of Building, Planning and Zoning Dept.

- Add a Full Time Planner position, salary range \$37,000 to \$40,000 + benefits. The Planner will take a great deal of workload off the Contracted Director Position; and, free up time to better develop the Building Department and make the necessary update changes to all our Town Plans and ongoing Planning/Zoning issues. The Planner position will be advertised immediately with an intended start date not later than end of October 2012.

- Add a part-time (\$12.50/hr.) hourly Secretary, no benefits, to provide additional secretarial support to the Building Department. This position will be advertised immediately, with a start date not later than October 2012; and

WHEREAS, the above personnel and position changes, and/or additions, for the Building Department may require additional funds for the physical expansion of the Building Department that will be determined at a future date;

Now, therefore, be it

RESOLVED, that the Supervisor is authorized to appoint Mr. Hughes to the new consolidated part-time position in the Building Department and advertise for a Full Time Planner and part-time secretary for the Building Department; and be it further

RESOLVED that the Supervisor, working with the Building Department, will determine budgetary expenses necessary for physical expansion of the Department and report same to the Town Board for funding.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #71 of 2012.

Discussion was held on the new positions, pay, hours, starting date, planner vs. engineer and the building dept moving forward.

Councilwoman Bruno questioned whether they should set max hours not to exceed for the assistant.

Councilman Baker questioned the pay for P. Hughes.

Councilwoman Whitman questioned the justification for doing this now and not at budget time for next year. She stated she knows there is justification for P. Hughes but is not in favor of the rest.

Supervisor Kinowski stated that reviewing the budget and health of the budget, increase in sales tax, pilot agreement with Global Foundries they need to look at moving ahead.

Councilwoman Bruno commented on monies saved with renewing Bonds, good budgeting and planning for the future.

A roll call vote was taken on Resolution #71 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	NO
Councilwoman Bruno	YES

**Motion carried.** Resolution #71 of 2012 was adopted by a 4 to 1 vote.

## **Resolution #72                      Standard Work Day and Reporting for Peter Hughes**

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #72 of 2012.

A roll call vote was taken on Resolution #72 of 2012 as follows:

Supervisor Kinowski	YES
---------------------	-----

Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #72 of 2012 was adopted unanimously.

**Resolution #73                      Amending 2012 Resolution No. 55  
Regarding Emergency Road  
Reconstruction Repairs to Van Ness Road**

Introduced by: Supervisor

WHEREAS, the Town Board approved 2012 Resolution No. 55 which, among other things, authorized the amount of \$808,554.00 for the Van Ness Road Emergency Slope Stabilization Project; and

WHEREAS, The Chazen Companies has reviewed the proposal from a selected contractor and now recommends that the amount of the bond be increased to \$1,550,000.00 to cover related construction and land taking variables; and

Now, therefore, be it

RESOLVED, that 2012 Resolution No. 55 is hereby amended to increase the bond amount to \$1,550,000.00.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #73 of 2012.

Discussion: Councilman Baker inquired about the increase in the amount. Supervisor Kinowski stated that the price of steel has increased so the overall cost of the project had to be raised. Councilwoman Whitman commented on it being an emergency so they don't have to go out to bid.

A roll call vote was taken on Resolution #73 of 2012 as follows:

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

**Motion carried.** Resolution #73 of 2012 was adopted unanimously.

**Resolution #74                      Execute Contract and  
Work Authorization to Bond Work  
Regarding Emergency Road  
Reconstruction Repairs to Van Ness Road**

Introduced by: Supervisor

WHEREAS, Kubricky Construction Corp. has been selected as the most appropriate and responsible contractor for the Van Ness Road Emergency Slope Stabilization Project; and

WHEREAS, a work authorization is necessary to obtain a bond for the work required;  
Now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign such contracts and legal documents as are necessary to engage Kubricky Construction Corp. to begin the

emergency repairs and reconstruction of the defective areas of Van Ness Road as soon as possible; and be it further

RESOLVED, that the Town Supervisor is hereby authorized to sign a work authorization to obtain a bond for the emergency repairs and reconstruction of the defective areas of Van Ness Road.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #74 of 2012.

A roll call vote was taken on Resolution #74 of 2012 as follows:

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

**Motion carried.** Resolution #74 of 2012 was adopted unanimously.

**Resolution #75                                      Approve The Chazen Companies  
Engagement Agreement Regarding Emergency Road  
Reconstruction Repairs to Van Ness Road**

Introduced by: Supervisor

WHEREAS, The Chazen Companies has submitted the attached Engagement Agreement relating to the Emergency Road Repairs to Van Ness Road;

Now therefore, be it,

RESOLVED, that the Supervisor is authorized to sign the attached Engagement Agreement with The Chazen Companies relating to the Emergency Road Repairs to Van Ness Road in the amount of \$14,500.00.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #75 of 2012.

A roll call vote was taken on Resolution #75 of 2012 as follows:

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

**Motion carried.** Resolution #75 of 2012 was adopted unanimously.

**Resolution #76                                      Approve The Chazen Companies  
Engagement Agreement Regarding Mullah Hill**

Introduced by: Supervisor

WHEREAS, The Chazen Companies has submitted the attached Engagement Agreement relating to the land survey services for Mullah Hill;

Now therefore, be it,

RESOLVED, that the Supervisor is authorized to sign the attached Engagement Agreement for additional engineering services with The Chazen Companies relating Mullah Hill in the amount of \$23,450.00.



**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to TABLE Resolution #76 of 2012.

Discussion: Councilman Baker questioned the purpose of this resolution.  
Supervisor Kinowski stated that looking at Town property they need to know what can be done with property, survey area and identify property lines.  
Discussion was held on mapping, pinning, stakes being placed on boundary lines and budgeting.  
Councilwoman Whitman commented on not staying with budget.

A roll call vote was taken on Resolution #66 of 2012 to table was as follows:

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

**Motion carried.** Resolution #76 of 2012 was TABLED unanimously.

**Public Input**

John V commented on Resolution #71, the building inspector not being a Town resident and underage drinking in Saratoga Hills.  
Supervisor Kinowski stated that they were not going to revisit the past and to call the police when he sees underage drinking.

Lynn L inquired if there were any updates on the proposed water district.  
Supervisor Kinowski stated that were looking at several options and hope to have a workshop with more information in September.

Tony B questioned what effect just putting in transmission lines would be on the ones affected by the proposed water district.  
Supervisor Kinowski stated that it would have no affect on them.

Coke C questioned why the highway dept was working Fridays in the park collecting overtime and inquired why Van Ness Hill was being considered an emergency.  
Supervisor Kinowski stated that even though the Highway Dept was earning overtime working on the park its still below the cost if they had someone else come in and do the work. As for Van Ness Hill the extensive study let to the conclusion that they are dealing with the unknown. It could collapse now or ten years but it does continue to slide 8 inches a year.

**Audited Claims**

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

General	#313--#330	\$5,921.68
Town Outside	#167--#174	\$7,917.65
Highway	#284--#304	\$7,359.47
Water & Sewer	#36--#40	\$1,308.70

**Motion carried.**

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adjourn the regular meeting and enter into executive session to discuss litigation matters. **Motion carried.** (Note: the Town Board will not resume the regular meeting)

Respectfully submitted by  
  
Sue Cunningham  
Stillwater Town Clerk