

**Stillwater Town Board
Business Meeting
August 18, 2011 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
Sean Doty, Engineer for the Town**

Absent: **Councilwoman Lisa Bruno**

7:00 PM Hearing---Unsafe Buildings

Supervisor Kinowski called the hearing to order.
Note: A stenographer was on hand for this portion of the minutes.

The consensus of the Town Board was to open the regular business meeting prior to acting on any Resolution pertaining to the Hearing.

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

Sue Cunningham, Town Clerk took the roll call.

Resolution #50: Ordering the Demolition of the Ligiecki Property

Introduced by: Supervisor _____

WHEREAS, the Town Code Enforcement Officer has inspected the Ligiecki property located at 42 Route 423, Stillwater, New York (SBL: 220.-1-84) and has found it to be dangerous or unsafe to the general public and in need of immediate repair and/or demolition; and

WHEREAS, Local Law No. 6 of 2004 (Chapter 69 of the Town Code) requires that certain procedures be undertaken to ensure that the building(s) is either made safe for the public or demolished and removed;

Now therefore, the Town Board makes the following findings:

1. The Town Board accepts the inspection report of the Town Code Enforcement Officer as the Town's findings and recommendations in regard to the properties repair and/or demolition/removal;
2. The Notice as required by Local Law No. 6 of 2004 has been served on the property owners and anyone else having a vested or contingent interest in the property and also has been filed in the same manner as a *lis pendens* at the Saratoga County Clerk's Office;
3. The Town Clerk has appropriately posted Notice of the hearing in the Town's official newspaper and on the Town's bulletin board;
4. The Town's Code Enforcement Officer has appropriately posted Notice of the hearing at the property;
5. A hearing was held before the Town Board at its regularly scheduled meeting on August 18, 2011 at 7:00 p.m. wherein a stenographer

transcribed the proceeding, testimony was given and documentary evidence was received;

6. The testimony and evidence presented at the aforementioned hearing clearly and convincingly prove that:
- (a) The property was dangerous and unsafe to the general public because of building collapse;
 - (b) The property was open at entry points, making it accessible to and an object of attraction to minors and trespassers because of the collapsed building and it was not occupied;
 - (c) The property was a place of rodent infestation because tall grass and weeds, and the collapsed building;
 - (d) The property could have become a place to harbor illegal activities because of overgrowth of weeds and was not occupied;
 - (e) The property presented other dangers to the health, safety, morals and general welfare of the public because it may have contained hazardous materials; and
 - (f) The property was unfit for the purposes for which it may lawfully be used, including human habitation, because the building had collapsed.
7. The Town Board thereby concludes that the buildings on the property could not be feasibly or safely repaired.

Now, therefore, it is hereby

ORDERED, that the property owners and each person having a vested or contingent interest in the property vacate and demolish the residence on the property located at 42 Route 423, Stillwater, New York (SBL: 220.-1-84) and completely remove the demolition debris from the property within thirty (30) days of the date of this Resolution; and be it further

ORDERED, that all expenses incurred by the Town in connection with these proceedings be charged to and collected from the owners of the premises in accordance with Local Law No. 6 of 2004; and be it further

ORDERED, that in the event of the failure, refusal or neglect of the persons notified to comply with this Resolution within said thirty (30) day period, the Town Board shall provide for the demolition either by Town employees or by contract and assess and collect costs thereof, against the property and its owners as provided in Local Law 6 of 2004

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #50 of 2011.

Discussion: A brief discussion was cost associated with proceedings and reimbursement of cost.

A roll call vote was taken on Resolution #50 of 2011 as follows:

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

Motion carried. Resolution #50 of 2011 was unanimously adopted

Supervisor Kinowski adjourned this portion of the Town Board meeting.

Adoption of Minutes: **Motion** by Councilman Baker and seconded by Councilwoman Whitman to adopt the minutes of the July 7, 2011 and July 16, 2011 Town Board meeting. **Motion carried.**

Communications:

Mastrianni -HUD: Supervisor Kinowski stated a letter was received in regard to the annual HUD program and public hearing. He reported that the Town was exempt from having to hold a public hearing.

The majority of the Board thought it would be an appropriate to have him come to the September business meeting to give a brief overview of the program.

Reports

Councilwoman Whitman

Town Clean up: Councilwoman Whitman stated that she was to lock in a final date for the fall clean up.

Concert: Councilwoman Whitman reminded everyone of the free concert on the Blockhouse lawn on August 31 from 6:30 to 8:30 pm.

Agenda items

Resolutions #51-#53

Resolution #51: Appropriate Monies for the Town’s Concert on August 31, 2011

Introduced by: Councilwoman Whitman

WHEREAS, the Town is conducting a free concert for the public on August 31, 2011; 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 \$700 for the band and \$125.00 for tent rental, for a total of \$850.00 for the Town’s free public concert to be held on August 31, 2011 from budget account number A7550.4.

Motion by Councilman Petronis seconded by Councilman Baker to adopt Resolution #51.

A roll call vote was taken on Resolution #51 of 2011 as follows:

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

Resolution No. 51 of 2011 was unanimously adopted.

Resolution #52 **Authorize the Supervisor to Sign an Indemnity Agreement with Saratoga County Sewer District No. 1**

Introduced by: Supervisor

WHEREAS, as part of the Cold Springs Road Corridor Improvement Project, the Luther Forest Technology Campus Economic Development Corporation has requested that the Town transfer certain rights of way and easements to the Saratoga County Sewer District No. 1 which contain sewer pipes for the Global Foundries fabrication plants; and

WHEREAS, because each of the easements obtained from the individual property owners were subject to a Memorandum of Agreement obligating the Town to provide certain

services to the land owners in exchange for their giving the easements to the Town, SCSD #1 has asked the Town to relieve it of the responsibility of providing those services to the property owners in the future through an Indemnity Agreement;

Now therefore be it,

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the attached Indemnity Agreement with Saratoga County Sewer District No. 1 to indemnify the District from having to comply with the individual Memorandum Agreements for the property owners involved in the easement transfers for the LFTC sewer project.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution # 52.

A roll call vote was taken on Resolution #52 of 2011 as follows:

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

Motion carried. Resolution #52 of 2011 was unanimously adopted.

Resolution # 53

**Amending Resolution No. 48 of 2011
Regarding Purchase of Development Rights
for Joe Cocozzo Property**

Introduced by: Supervisor Kinowski

WHEREAS, Resolution No. 48 of 2011 identified an intent to permanently preserve active farmland known as the “Cocozzo” property and provided a recommended use for the land; and

WHEREAS, the Town would like the attached additional proposal for use of the Cocozzo property to be considered; and

WHEREAS, the cost to the Town for the development rights of the Cocozzo property, if approved for a County Grant, shall be \$24,000.00;

Now, therefore, be it

RESOLVED, that Resolution No. 48 of 2011 is hereby amended to incorporate the attached proposal for the preservation of the Cocozzo property and the cost of the development rights not to exceed \$24,000.00.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution # 53.

A roll call vote was taken on Resolution No. 53 of 2011 as follows:

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

Motion carried. Resolution No. 53 of 2011 was unanimously adopted.

Resolution #54 Approve Chazen’s Engagement Letters

Introduced by: Supervisor

WHEREAS, The Chazen Companies have submitted proposed Engagement Agreements at the Supervisor’s request;

Now therefore, be it,

RESOLVED, that the Supervisor is authorized to sign two (2) Engagement Agreements with The Chazen Companies as follows:

- 1. Finish the expansion of the Route 67 Overlay Zone (\$7,500); and
- 2. Continuation of water line project (\$36,720).

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution # 54.

A roll call vote was taken on Resolution #54 of 2011 as follows:

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

Motion carried. Resolution #54 of 2011 was unanimously adopted.

Public Input

Marty D inquired on Town grants and their ranking.
Supervisor Kinowski went over the factors involved in scoring of grants.
Engineer Doty explained the scoring system and stated that the Town falls under the threshold.

Art F inquired about the proposed waterline, the condemned property and the old rail yard.
Supervisor Kinowski explained what the town has done to date regarding water and the condemned property and went over what the build out of the rail yard will mean to the area.

Coke C questioned the system the Town uses when a meeting is cancelled.
Supervisor Kinowski stated that the last meeting was cancelled at 3 pm the day before so there was no time to inform the media.

Audited Claims

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

General	#250--#266	\$5,214.01
Town Outside	#197--#214	\$22,924.78
Highway	#306--#324	\$19,187.81
Capital Projects	#30	\$360.00
Water	#46	\$787.29

Motion carried.

Supervisor Kinowski

Trail Study: Supervisor Kinowski reported that the trail committee met and went over the bids for the trail study and they would like to recommend the LA Group for the study.

Motion by Councilman Baker and seconded by Councilwoman Whitman to award the bid to the LA Group for the Trail Study. **Motion carried.**

Motion by Councilman Baker and seconded by Councilman Petronis to adjourn into executive session for litigation purposes at 8:35 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk