

**Stillwater Town Board
Business Meeting
August 19, 2010 7:00 PM
Stillwater Town Hall**

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
James Trainor, Attorney for the Town
Joe Lanaro, Engineer for the Town**

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 Councilwoman Whitman and seconded by Councilman Petronis to adopt the Minutes of the July 15, 2010 Business Meeting of the Stillwater Town Board. **Motion carried**

Communications: Supervisor Kinowski had three communications to share with the Town Board.

Glen Hollow Park: Supervisor Kinowski stated that a resident was pursuing a grant that could potentially help purchase playground equipment for the park. He stated that the Town would have to review the legalities of the grant.

Summer Youth Program: Supervisor Kinowski reported that he was presented the final financial report of the summer program.

Cold Springs Road Project: Supervisor Kinowski reported on the funding for Phase II not coming through in time which will ultimately delay the project being started until next year.

Blockhouse: Supervisor Kinowski reported that there would be a 9/11 service to be held at 2PM on Saturday, September 11th at the Blockhouse.

Agenda items **(Resolutions #67--#82)**

Resolution #67 **Appointing a Member to the Ethics Board**

Introduced by: Councilwoman Whitman

WHEREAS, by virtue of the resignation of Sara Kipp from the Ethics Board, a vacancy on the Stillwater Ethics Board exists; and

WHEREAS, a Committee of the Town Board has accepted resumes and conducted interviews of interested candidates for the position; and

WHEREAS, the interview committee has recommended that Gail Lyng be appointed to the Ethics Board to fill the vacant position;

Now, therefore, be it

RESOLVED, that the Town Board hereby appoints Gail Lyng as a member of the Ethics Board to fill the vacancy left by Sara Kipp, effective immediately.

Motion by Councilwoman Whitman and seconded by Councilman Petronis to adopt Resolution #67.

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

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

Motion carried. Resolution #67 was adopted unanimously.

Resolution #68 **Setting a Public Hearing to Consider Local Law No. ____ of 2010**
A Local Law Setting Term Limits

Introduced by: _____ Councilwoman Bruno

WHEREAS, there currently are no limits on the number of terms that a town council member or town supervisor can serve; and

WHEREAS, in order to encourage the active participation of more Town residents in the affairs of town government, the Board wishes to obtain comment on a proposed local law which would limit the number of terms a person can be on the Town Board;

Now, therefore, be it

RESOLVED, that a Public Hearing is hereby set for September 16, 2010 at 7:00 p.m. at the Stillwater Area Community Center, 19 Palmer Street, Stillwater, New York 12170 to consider Local Law No. ____ of 2010, a local law establishing term limits for town supervisor to six (6) consecutive two (2) year terms and for town council members to three (3) consecutive four (4) year terms.

Discussion: Supervisor Kinowski stated that Town Board members have different view on this topic but feels that any Board member should have the right to bring any Resolution to the floor. He stated that he would like to see what the public has to say on this topic. Councilman Petronis stated that he would vote for the public hearing but he is against this Resolution. He feels that they would be taking the right to vote from the people and they should have the right to vote for who they want. Councilman Baker did not feel that three Board members should have the right to make this decision and thought it should be the super majority of the Town Board. The Attorney will look into the vote process. The consensus of the Town Board was to hold the public hearing at the Stillwater Community Center.

Motion by Councilwoman Bruno and seconded by Councilwoman Whitman to adopt Resolution #68.

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

Councilman Baker	No
Councilman Petronis	Yes
Councilwoman Bruno	Yes
Councilwoman Whitman	Yes
Supervisor Kinowski	Yes

Motion carried. Resolution #68 was adopted by a 4 to 1 vote.

Resolution #69-A **Designating the Town Board as**
Lead Agency for Review of Proposed
Saratoga Pointe PDD Law and Concept Plan

Introduced by: _____

WHEREAS, the Town Board of the Town of Stillwater has received an Application from Mason Street, LLC for a proposed Planned Development District (“PDD”) named Saratoga Pointe; and

WHEREAS, the Planning Board of the Town of Stillwater has recommended approval of the Saratoga Pointe PDD and Concept Plan (the “Project”), and determined that the Application is complete for Town Board review; and

WHEREAS, the Town Zoning Law requires the Town Board to hold a public hearing regarding the proposed Concept Plan and PDD and a public hearing was duly noticed and held on July 1, 2010; and

WHEREAS, the Town Board has notified all involved and interested agencies of the Town Board’s intention to act as Lead Agency for environmental review of the Project, and for

coordinated review of this action pursuant to the requirements of the State Environmental Quality Review Act (“SEQRA”), 6 NYCRR Part 617; and

WHEREAS, the Town Board has not received any objection from any involved agency; and

WHEREAS, the Town Board, pursuant to 6 NYCRR Part 617, conducted a coordinated review and sought input from various involved and interested agencies; and

WHEREAS, the time period by which said comments were to have been received has expired; and

WHEREAS, the Town Board has not received any adverse comments objecting to the Board acting as “Lead Agency” for purposes of the SEQRA review;

Now, therefore, be it

RESOLVED, that the Town Board of the Town of Stillwater is hereby designated as “lead agency” for purposes of compliance with SEQRA (6 NYCRR Part 617), and shall undertake and complete all duties and obligations of the “lead agency” as required by 6 NYCRR Part 617 for the application of Mason Street, LLC with respect to the Saratoga Pointe PDD and Concept Plan.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #69-A.

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

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

Motion carried. Resolution #69-A was adopted unanimously.

Resolution #69-B ADOPTING NEGATIVE DECLARATION PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT (6 NYCRR § 617.7)

Proposed Action: A Planned Development District for a project known as Saratoga Pointe. The project consists of 126 lots on a ±81 acre site on NYS Route 423 (Battlefield Road), near the intersection of Route 9P. 125 of the lots are for residential use and 1 lot is for commercial uses. The list of permitted commercial uses is recited in the proposed Local Law for the PDD. The Applicant is Mason Street, LLC (“Applicant”).

SEQRA Classification: Type I

Lead Agency: Town Board of the Town of Stillwater, New York.

Location: The property consists of ±81 acres. The project site is located on NYS Route 423, near the intersection of Route 9P. Tax Map Parcel Nos. 219-1-2, 3, 4, 5.1, 5.2 and Nos. 219-05-1-3, 12.

Present Use: Vacant land (former mobile home park).

WHEREAS, the Town Board of the Town of Stillwater received an application in June, 2009 for a Planned Development District (PDD) project known as Saratoga Pointe; concept plans were reviewed by the Town Board at its meeting on June 18, 2009; and

WHEREAS, the Town Board referred the application to the Planning Board for its review, comment and recommendation; and

WHEREAS, the Planning Board reviewed the application and held public hearings with respect to the proposal. Presentations regarding the Project were made at the Planning Board meetings on August 17, 2009, November 16, 2009, December 21, 2009, January 19, 2010 [public hearing],

February 8, 2010 [public hearing], March 1, 2010 [public hearing], April 5, 2010, April 19, 2010 and May 3, 2010; and

WHEREAS, in connection with the Project review, the Planning Board requested the Applicant and its consultants to submit revised plans for the Project; and

WHEREAS, the Applicant prepared a revised concept plan in response to public comments and comments from the Planning Board; and

WHEREAS, the Application was accompanied by proposed concept designs for the residential units and visual aids regarding architectural styles for the units; and

WHEREAS, on May 3, 2010, the Planning Board recommended approval of the PDD and Concept Plan, as modified and amended (collectively, the “Project”); and

WHEREAS, the Town Board thereafter reviewed the Application, considered the Planning Board’s recommendations and findings regarding the Project, and scheduled a public hearing regarding the Project; and

WHEREAS, a public hearing was held at the Town Hall on July 1, 2010 regarding the Project; and

WHEREAS, the Town Board notified all involved and interested agencies of its intention to act as lead agency for SEQRA review of the project; and

WHEREAS, the Town Board has been properly established as lead agency pursuant to SEQRA with the consent of other agencies having jurisdiction regarding the Project; and

WHEREAS, consistent with 6 NYCRR § 617.7, the Town Board thoroughly considered the reasonably foreseeable potential environmental effects resulting from the Project and the land use standards and criteria set forth in the Town Zoning Law and Comprehensive Plan; and

WHEREAS, the Town Board considered a full environmental assessment form and supporting documents, including the following reports: (1) a traffic impact study prepared by Creighton Manning Engineering, L.P.; (2) an endangered species study prepared by North Country Ecological Services, Inc.; (3) a freshwater wetlands study prepared by North Country Ecological Services, Inc.; (4) a feasibility study regarding senior housing (5) an archeological survey (Phase IA/IB) prepared by Edward V. Curtin; (6) a feasibility study regarding commercial development prepared by James M. Zasada; and (7) an agricultural data statement. The Town Board also considered the comments from the Town’s designated engineers/consultants, the Chazen Companies, and other agencies; and

WHEREAS, the Town Board has considered all the above; and

WHEREAS, in doing so, the Town Board has carefully considered the criteria set forth in 6 NYCRR 617.7 and has identified the relevant areas of environmental concern; and

WHEREAS, the Town Board has considered all the questions in Parts 2 and 3 of the full environmental assessment form, as revised (“FEAF”), and has determined that the Applicant and its consultants have identified and addressed all areas of concern and none of the potential environmental impacts associated with the Project are significant.

NOW, THEREFORE, BE IT RESOLVED, that based upon its review of the Application, the full EAF and other supporting materials submitted by the Applicant; comments on the application submitted by the Planning Board, the Town Designated Engineer and involved agencies; the Town Board’s independent analysis of the application; and comparison with the criteria for determining significance found at 6 NYCRR Part 617.7, the Town Board hereby finds that the Saratoga Pointe Project and establishment of a Planned Development District for the purpose of constructing up to 125 new residential units and commercial uses on one (1) commercial lot will not have a significant impact on the environment; and,

BE IT FURTHER RESOLVED, that this determination of significance shall be considered a Negative Declaration made pursuant to Article 8 of the Environmental Conservation Laws and

the Town hereby determines that the requirements of the regulations promulgated under SEQRA at 6 NYCRR § 617.7 have been met; and it is

FURTHER RESOLVED, that the Town Board hereby determines that the Project will not result in significant adverse environmental effects, and that no environmental impact statement or further SEQRA consideration is required in connection with the PDD for this Project; and it is

FURTHER RESOLVED, that the facts and reasons supporting this determination are as follows:

A. Community Character

1. The project site and the District will include 81 acres, more or less, to be rezoned as the Saratoga Pointe Planned Development District (the “PDD” or the “District”). The site was formerly used as a mobile home park, and is being redeveloped for work force housing. The lands abutting the site are residential, and consist primarily of single family residences and open farm land.
2. The project is not a conventional subdivision plan; it conserves open space while providing housing opportunities for residents.
3. The proposed project is consistent with the Town’s Comprehensive Plan, including the goal of ensuring the availability of a diversity of housing sites which promote efficient, compact designs that: (A) protect environmentally sensitive areas (eg, wetlands), (B) conserve open space, and (C) use infrastructure in a cost-effective manner.
4. The Saratoga Pointe plan is a compact design that is an efficient use of the land, and requires less infrastructure and roads than would be needed to construct residential dwellings in a conventional residential zoning district. Because there will be less roads, sewer lines, and infrastructure per unit than would be provided under traditional subdivision designs, there will be reduced environmental impacts.
5. The plan includes passive recreation areas and walking paths for hiking, dog walking, cross-country skiing, etc.
6. The Project will protect sensitive natural features of the site, including wetlands. The project allows for the protection of a large wetland, which will remain intact after development. The project preserves over 51 acres of natural areas. The natural topography will be preserved, and the stormwater detention basins and natural wetlands will prevent soil erosion and stormwater runoff.
7. The project also avoids the problems associated with residential development along road frontage. The clustered development is buffered from the road and, accordingly, will have a minimal impact on neighboring properties and the viewshed.
8. The Project will assist with the Town’s regional effort to address housing affordability. The PDD is an essential component of facilitating construction of workforce housing, with flexible designs and density to meet community needs. The project is designed to achieve these objectives, and provide housing for a variety of income levels.
9. The Project includes sidewalks, which are an important part of residential development. The project also includes walking paths to connect the lots for pedestrian and bicycle use.
10. The project is consistent with the character of surrounding neighborhoods. Historically, the site was used for approximately 30 mobile homes. The neighborhood consists of open land, wetlands, and residential housing. The property abuts the backyards of homes on Route 9P, but there are substantial natural buffers between the new homes and the houses along Route 9P. The

closest home is approximately 300 feet from the nearest proposed house. The stormwater management basin is over 275 feet from the nearest existing house. Accordingly, the project design will have no detrimental impact on adjacent properties or the neighborhood in general.

11. The height and mass of the units will be consistent with, or smaller than, the homes in the vicinity of the project.
12. No significant impacts on local government services were identified with respect to this project. There is sufficient water and sewer capacity; the roads are adequate to accommodate traffic generated by the project, and there is no adverse impact on the schools.
13. The project provides a choice of housing size and style for existing and potential residents of the Town which is not currently available. The residential units are available in a variety of styles, and will be priced at a range that is affordable.
14. The project is designed to maximize the open space on the project site. The design incorporates large, undeveloped tracts with paths for walking, and smaller park/recreation areas in the center of the project site. Almost all lots adjoin open space, and several lots have been left open to create a linkage between the open space/recreation areas.
15. The project incorporates commercial uses, which will be convenient for existing residents of the area and the residential lots located in the project site.
16. The project represents a creative use of the land that avoids large lot, single family homes. The project plan is designed to minimize the amount of road and infrastructure that is required by allowing smaller homes to be closely situated while maintaining natural areas for buffers and recreational use by the residents. The project allows for an orderly transition from the previous use of the land (a mobile home park) to a community suitable for workforce housing and other residents who desire to “down size.”
17. The project design provides a more desirable environment than is possible under existing zoning conditions. The design eliminates extensive road networks and driveways and makes it economically feasible to build an affordable housing community. These desirable features would not be available under a strict application of the zoning laws in the existing commercial and residential zoning districts.
18. The Applicant has proposed to maintain existing native trees and shrubs along NYS Route 423, that will provide screening and aesthetic enhancement.
19. No significant adverse impacts on community character will result from the Project.

B. Visual Impacts

1. Visual impacts of the Project are minimal due to the site layout. The project is screened from Route 423 by existing vegetation. The natural areas will provide a buffer to neighboring properties.
2. The concept plans for the buildings, the roof lines, and the design all contribute to a positive visual impact.
3. The Project will have no significant visual impact.

C. Cultural Resources

1. The Site was previously developed as a mobile home park. Nevertheless, the Applicant provided a report that demonstrated that there are no historical or archeological resources on the Project Site, and no such resources on or nearby the Site will be impacted by the Project.

2. The physical scale of the Project is consistent with the character of the Town. It is situated on a relatively large parcel with extensive setbacks and natural buffer areas.
3. The Project is consistent with the Zoning Law, the Comprehensive Plan, and will not adversely impact cultural resources.

D. Land Use

1. The Project site is currently zoned for commercial and residential uses. The establishment of the PDD is consistent with the Zoning Law and Comprehensive Plan.
2. The location of the proposed commercial lot is consistent with the existing zoning at the site.
3. Neighboring properties will not be adversely impacted due to the site layout/design. Much of the land immediately surrounding the Project is vacant. Potential traffic and sound associated with cars and delivery trucks have been minimized by the driveway configuration, and retention of existing trees as a buffer.
4. Any sounds generated by delivery trucks and other cars visiting the Project Site will be consistent with, and no greater than, existing sounds generated by the traffic on NYS Route 423 and Route 9P.
5. More than 51 acres of the site will remain “green space.” None of the land is currently being used for agricultural purposes.

E. Geology, Soil and Topography

1. There are no steep slopes or rivers on the project site. Construction is proposed to occur where there are no steep features.
2. The Site soils are suitable for construction. The permanent groundwater table is not an issue due to soils and site topography.
3. The Project has been engineered so that there is no need to haul quantities of excess fill from the Project site or import fill material. The plans show that the site is relatively “balanced” with respect to earthwork volumes.

F. Water Resources

1. No permanent surface water drainages on the Project site will be impacted by the Project.
2. Groundwater is not expected to be encountered during the Project construction.
3. The concept drainage plan for the Project will carry runoff to a series of basins which will allow slow infiltration of surface runoff to the groundwater. The detailed detention and discharge plans will be subject to review and approval by NYSDEC and the Planning Board during site plan review.
4. The stormwater management facilities will be designed to meet the NYSDEC requirements for treating stormwater quality and quantity. An erosion and sediment control plan (E&SCP), which prescribes construction-phase erosion and sediment controls, will be required as part of any subdivision approval issued for the project.
5. All wetlands on the site will be protected.

6. The Project will not affect the water supply capacity of the Town. The Town will not be responsible for the costs associated with any waterline improvements. There is sufficient water and sewer capacity to accommodate the needs of the Project.

G. Air Resources

1. The Project will have no impact on air quality. Air quality impacts from the Project are limited to emissions from vehicles. The traffic impact study indicates no significant decrease in levels of service at surrounding intersections. Accordingly, no significant air quality impacts will result.
2. The Project will result in typical short-term, temporary impacts to air quality during construction due to dust, vehicle odors and the like; however, none of these impacts will be significant or long-term. During construction operations, the project will be subject to the normal dust and mud impacts associated with construction work. In that regard, all standard practices will be used to contain and minimize airborne emissions on and near the site.

H. Ecology

1. The report submitted with the application demonstrated that no endangered, threatened or species of special concern for wildlife, endangered or rare plants, significant wildlife habitats, or unique natural communities were found on the site. Therefore, no impacts to such species, habitats or communities are anticipated.
2. No significant impacts to wildlife, vegetation or wetlands are anticipated.

I. Transportation

1. A traffic study was conducted by the Applicant's consultant, and reviewed by the Planning Board, the Town's designated engineer, and the Town Board. The study indicates that there will be no significant impact on traffic. This conclusion was confirmed by NYSDOT engineers.
2. The Project will be served by a main driveway on NYS Route 423 that provides access for traffic. No off-site traffic improvements were identified by the traffic study or NYSDOT.
3. Acceptable levels of service will be maintained at the surrounding intersections.
4. Site distances are adequate at the driveway intersection on NYS Route 423.

J. Other Potential Impacts

1. Agricultural Land Resources. The Project will have no impact on such resources. The lands that are being developed were, until recently, used as a mobile home park. None of the land in question is being used for agriculture.
2. Historical and Archaeological Resources. There is no evidence that the Project site contains any historical or archeological resources. The site is not within, or contiguous to any site or facility designated on the State or National Register of historic places. The Project site has not been designated as sensitive for archeological sites on the State inventory of such sites.
3. Open Space and Recreation. The Project will not affect the quality or quantity of existing or future open spaces or recreational opportunities. The pathways in the natural areas will provide additional recreational opportunities for residents.
4. Critical Environmental Areas. Except for wetlands that will be preserved, the Project site does not contain any exceptional or unique characteristics of a critical environmental area. Accordingly, there will be no impact on such resources.

5. Energy. There is sufficient energy capacity to serve the Project. The Project will not have any significant increase on energy demand.
6. Public Health. The Project will have no adverse impact on public health or safety. The uses proposed for the Project will not cause an increased risk of explosion or release (or burial) of hazardous substances.
7. Growth.
 - a. It is not anticipated that the Project will create a demand for additional growth in the community. The existing fire and police services are sufficient to accommodate the Project. The Project will create short term employment opportunities during construction, but no significant additional residential growth is anticipated as a result.
 - b. There are no pending proposals or projects for large-scale development of other vacant lands in the immediate vicinity of the Project site, and, as a result, it is unlikely that the Project will have any cumulative impact on growth in the Town.
8. Economic. The Project will create short term construction jobs, and increase the Town's existing tax base.
9. Solid Waste. The Project will result in a minimal increase in solid waste production.
10. Other. Review of the site in the field and with available environmental data revealed no other environmentally sensitive characteristic of the parcel, or issues that have not been addressed, or areas requiring further study.

BE IT FURTHER RESOLVED, that the Secretary is authorized and directed to transmit a copy of this Resolution to the Applicant, the Town Clerk and the Building Inspector/Code Enforcement Officer.

Motion by Councilwoman Bruno and seconded by Councilman Baker to adopt Resolution #69-B.

A roll call vote was taken as follows on Resolution #69-B

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

Motion carried. Resolution #69-B was adopted unanimously.

Resolution #70 **Adopting Local Law No. 5 of 2010**
Establishing the Saratoga Pointe PDD

Introduced by: _____

WHEREAS, the Saratoga Pointe Planned Development District ("PDD") is referred to the Town of Stillwater Planning Board by previous resolution and received a favorable recommendation from them; and

WHEREAS, a public hearing was conducted before the Stillwater Town Board to consider the attached Local Law establishing the Saratoga Pointe PDD on July 1, 2010; and

WHEREAS, the Town Board previously designated itself Lead Agency for SEQRA purposes and thereafter issued a negative declaration with regarding to SEQRA as it found no significant adverse environmental impacts;

Now, therefore be it

RESOLVED, that the Town Board hereby adopts Local Law No.. 5 of 2010, a Local Law establishing the Saratoga Pointe Planned Development District; be it further

RESOLVED, that the Town Clerk is hereby directed to file the Local Law and advise the New York State Secretary of State of its adoption forthwith.

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

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

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

Motion carried. Resolution #70 was adopted unanimously.

Resolution #71 **Setting a Public Hearing to Consider
Changes to the Ethics Code**

Introduced by: _____

WHEREAS, the Board of Ethics has recommended several changes to the Ethics Code regarding the timing of annual disclosures and terms of Board Members; and

WHEREAS, changes to the legislation will require a public hearing;

Now, therefore be it

RESOLVED, that a public hearing is hereby set for September 16, 2010 at 7:00 p.m. at the Stillwater Area Community Center, 19 Palmer Street, Stillwater, New York 12170 to consider Local Law No. _____ of 2010, Local Law Amending Local Law No. 1 of 2010 regarding the Town's Ethics Code.

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

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

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

Motion carried. Resolution #71 was adopted unanimously.

Resolution #72 **Accepting the Conveyance of a Permanent
Drainage Easement along Cold Springs Road**

Introduced by: _____ Supervisor _____

WHEREAS, in furtherance of the Cold Springs Road Improvement Corridor Project, a small drainage area needs to be acquired to receive the run off from the roadway along Cold Springs Road just north of Cordero Boulevard; and

WHEREAS, the property on which the drainage easement is needed belongs to the Luther Forest Technology Campus Economic Development Corp. ("LFTCEDC") who has agreed to convey the drainage easement at no cost to the Town; and

WHEREAS, no separate SEQRA determination is necessary as the drainage easement falls within the area and anticipated construction activities of the original SEQRA review done for the Cold Springs Road Improvement Corridor Project;

Now, therefore be it

RESOLVED, that the Town Board hereby accepts the conveyance of a drainage easement from Luther Forest Technology Campus Economic Development Corp. along Cold Springs Road just north of Cordero Boulevard at no cost to the Town; be it further

RESOLVED, that the Town Supervisor is hereby authorized to sign all the appropriate paperwork to accept and record the conveyance with the assistance from the attorneys to the Town.

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

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

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

Motion carried. Resolution #72 was adopted unanimously.

Resolution #73 **Accepting the Conveyance of a Permanent Easement for Guy Wires Around Utility Poles Along Cold Springs Road**

Introduced by: _____ Supervisor _____

WHEREAS, in furtherance of the Cold Springs Road Improvement Corridor Project, an area needs to be acquired for the installation and maintenance of guy wires around utility poles along Cold Springs Road; and

WHEREAS, the property on which the easement is needed belongs to the Luther Forest Technology Campus Economic Development Corp. ("LFTCEDC") who has agreed to convey the easement at no cost to the Town; and

WHEREAS, no separate SEQRA determination is necessary as the easement falls within the area and anticipated construction activities of the original SEQRA review done for the Cold Springs Road Improvement Corridor Project;

Now, therefore be it

RESOLVED, that the Town Board hereby accepts the conveyance of an easement for placement and maintenance of guy wires around utility poles from LFTCEDC along Cold Springs Road at no cost to the Town; be it further

RESOLVED, that the Town Supervisor is hereby authorized to sign all the appropriate paperwork to accept and record the conveyance with the assistance from the attorneys to the Town.

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

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

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

Motion carried. Resolution #73 was adopted unanimously.

Resolution #74 **Adopting Local Law No. 6 of 2010 A Local Law Enacting Part A of the 2010 Retirement Incentive Program**

Introduced by: _____

WHEREAS, the Town Board wishes to adopt a Local Law to allow Town Employees to take advantage of Part A of the 2010 New York State Retirement Incentive Program; and

WHEREAS, a public hearing was previously set by Resolution No.: 59 and conducted on July 15, 2010 where comments of the public were received; and

WHEREAS, in order to accommodate the Incentive Program, a slight change will need to be made to the recently adopted CSEA Union Contract.

Now, therefore be it

RESOLVED, that the Town Board hereby adopts Local Law No. 6 of 2010, a Local Law enacting Part A of the 2010 New York State Retirement Incentive Program; be it further

RESOLVED, that the Supervisor is hereby authorized to negotiate and sign an amendment to the 2010 through 2012 CSEA Union Contract regarding Article XIII, paragraph H.2. on page 10 thereof regarding health benefits for retirees; be it further

RESOLVED, that the Town Clerk is directed to file a copy of the Local Law upon its adoption and it shall become effective immediately upon such filing, but also immediately effective upon an individual personally served with a copy thereof in the interim.

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

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

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

Motion carried. Resolution #74 was adopted unanimously.

Resolution #75 **Adopting Local Law No. 7 of 2010 A Local Law Enacting Part B of the 2010 Retirement Incentive Program**

Introduced by: _____

WHEREAS, the Town Board wishes to adopt a Local Law to allow Town Employees to take advantage of Part B of the 2010 New York State Retirement Incentive Program; and

WHEREAS, a public hearing was previously set by Resolution No.: 59 and conducted on July 15, 2010 where comments of the public were received; and

WHEREAS, in order to accommodate the Incentive Program, a slight change will need to be made to the recently adopted CSEA Union Contract.

Now, therefore be it

RESOLVED, that the Town Board hereby adopts Local Law No. 7 of 2010, a Local Law enacting Part B of the 2010 New York State Retirement Incentive Program; be it further

RESOLVED, that the Supervisor is hereby authorized to negotiate and sign an amendment to the 2010 through 2012 CSEA Union Contract regarding Article XIII, paragraph H.2. on page 10 thereof regarding health benefits for retirees; be it further

RESOLVED, that the Town Clerk is directed to file a copy of the Local Law upon its adoption and it shall become effective immediately upon such filing, but also immediately effective upon an individual personally served with a copy thereof in the interim.

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

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

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

Motion carried. Resolution #75 was adopted unanimously.

Resolution #76 **Adopting a SEQRA Negative Declaration
for the Cold Springs Road and Elmore Robinson Road
Water Transmission Main**

Introduced by: _____

WHEREAS, the Town of Stillwater is proposing construction of an approximately 13,250-LF water transmission main which will connect to the Saratoga County Water Authority System water system, run along Cold Springs Road and Elmore Robinson Road, and terminate at the intersection of Elmore Robinson Road and George Thompson Road; 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 and the NYS EFC requires a coordinated review for unlisted actions; and

WHEREAS, pursuant to the applicable standards of SEQRA 6 NYCRR Part 617.6, the Town Board of the Town of Stillwater declared its intent to serve as Lead Agency by Resolution No. 51, adopted on July 15, 2010, and circulated the Full EAF and the Lead Agency Agreement to the other Involved and Interested Agencies, indicating the Town Board’s intention to serve as Lead Agency; and

WHEREAS, more than thirty (30) days have passed and the Town of Stillwater has not received any objections to its intent to serve as Lead Agency; and

WHEREAS, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 and determined that no significant adverse impacts associated with the proposed action have been identified.; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions.

Now, therefore, be it

RESOLVED, the Town of Stillwater Town Board hereby declares itself lead agency for the purpose of conducting the SEQRA review of the planned Water Transmission Main Installation; and be it further

RESOLVED, that based on a review of the Full EAF the Town of Stillwater Town Board has determined that the project will not have an adverse environmental impact on the environment and hereby issues a Negative Declaration of Significance concluding the State Environmental Quality Review Act (SEQRA) process.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #76.

A roll call vote was taken as follows on Resolution #76

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

Motion carried. Resolution #76 was adopted unanimously.

Resolution #77 **Authorizing The Chazen Companies to Formulate a Map Plan and
Report for a Proposed Town Wide Utility District**

Introduced by: _____

WHEREAS, the Town Board would like to consider the enactment of a Town wide utility district in order to extend critical infrastructure and benefit from economies of scale within the Town; and

WHEREAS, The Chazen Companies has proposed to formulate a Map Plan and Report for the proposed District at a cost not to exceed \$39,200.00 per the proposal attached hereto;

Now, therefore, be it

RESOLVED, that The Chazen Companies are hereby authorized to formulate a Map Plan and Report for a proposed Town Wide Utility District at a cost not to exceed \$39,200.00.

Motion by Councilman Baker and seconded by Councilwoman Bruno to Table Resolution #77.

A roll call vote was taken as follows on Resolution #77

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

Motion carried. Resolution #77 was TABLED unanimously.

Resolution #78 **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 Councilwoman Bruno and seconded by Councilman Petronis to Table Resolution #78.

A roll call vote was taken as follows on Resolution #78

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

Motion carried. Resolution #78 was TABLED unanimously.

Resolution #79 **Increasing the Supervisor's Term from Two to Four Years**

Introduced by: _____

WHEREAS, Town Law Section 24-a authorizes the Town Board to adopt a resolution subject to mandatory referendum at least 150 days prior to a biennial Town election to increase the supervisor's term from 2 years to 4 years; and

WHEREAS, a public hearing on the proposed increase was conducted on August 5, 2010 and comments from the public were duly considered.

Now, therefore be it

RESOLVED, that the term of office of the elected Town Supervisor shall be four (4) years, such four (4) year term to commence as of the first day of January, 2012, and shall apply to the person elected to such office at the biennial Town election to be held in November of 2011 and to those elected thereafter, provided a proposition submitted pursuant hereto is approved; be it further

RESOLVED, this Resolution is adopted subject to a mandatory referendum and shall be submitted for the approval of the qualified voters for the Town of Stillwater at the biennial election to be held in November of 2011, and a proposition in the following form shall be included on the ballot at such biennial Town election, and the increasing term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon:

Shall Resolution No. 79 of 2010 entitled “A Resolution Increasing the Term of the Office of Town Supervisor from Two Years to Four Years” be approved?

and be it further

RESOLVED, that this Resolution shall become effective immediately upon its approval by the qualified voters.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #79.

A roll call vote was taken as follows on Resolution #79

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

Motion carried. Resolution #79 was adopted unanimously.

Resolution #80 **Increasing the Supervisor’s Term from Two to Four Years**

Introduced by: _____

WHEREAS, Town Law Section 24-a authorizes the Town Board to adopt a resolution subject to mandatory referendum at least 150 days prior to a biennial Town election to increase the supervisor’s term from 2 years to 4 years; and

WHEREAS, a public hearing on the proposed increase was conducted on August 5, 2010 and comments from the public were duly considered.

Now, therefore be it

RESOLVED, that the term of office of the elected Town Supervisor shall be four (4) years, such four (4) year term to commence as of the first day of January, 2012, and shall apply to the person elected to such office at the biennial Town election to be held in November of 2011 and to those elected thereafter, provided a proposition submitted pursuant hereto is approved; be it further

RESOLVED, this Resolution is adopted subject to a mandatory referendum and shall be submitted for the approval of the qualified voters for the Town of Stillwater at the biennial election to be held in November of 2011, and a proposition in the following form shall be included on the ballot at such biennial Town election, and the increasing term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon:

Shall Resolution No. 79 of 2010 entitled “A Resolution Increasing the Term of the Office of Town Supervisor from Two Years to Four Years” be approved?

and be it further

RESOLVED, that this Resolution shall become effective immediately upon its approval by the qualified voters.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #80.

A roll call vote was taken as follows on Resolution #80

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

Motion carried. Resolution #80 was adopted unanimously.

Resolution #81 Approving the Grant Application for the Stillwater Trail Plan

Introduced by: Supervisor Kinowski

WHEREAS, the Town of Stillwater is applying to the Hudson River Valley Greenway for a grant under the 2010 Greenway Conservancy for the Greenway Conservancy Small Grant Program for a project entitled Stillwater Trail Plan to be located in 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 Town Board hereby approves and endorses the application for a grant under the 2010 Greenway Conservancy Small Grant Program for a project known as Stillwater Trail Plan.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #81.

A roll call vote was taken as follows on Resolution #81

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

Motion carried. Resolution #81 was adopted unanimously.

Resolution #82 Setting A Public Hearing Regarding a Permanent Non-Exclusive Easement for Sewers to Luther Forest Technology Campus Economic Development Corporation

Presented By: Supervisor

WHEREAS, the Town acquired ownership in fee and permanent easements in real property by virtue of deeds from 23 property owners with regard to the Cold Springs Road Improvement Corridor; and

WHEREAS, in furtherance of the Cold Springs Road Improvement Corridor project, the Town desires to transfer legal interests to Luther Forest Technology Campus Economic Development Corporation (“LFTCEDC”) for sewer lines to Global Foundries;

Now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for September 2, 2010 at 7:00 p.m. at Town Hall, 66 East Street, Stillwater, New York 12170 to consider the conveyance of a permanent, non-exclusive sewer easement to LFTCEDC, which conveyance would be subject to a permissive referendum pursuant to New York State Town Law § 62.

Motion by Councilwoman Whitman and seconded by Councilman Petronis to adopt Resolution #82.

A roll call vote was taken as follows on Resolution #82

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

Motion carried. Resolution #82 was adopted unanimously.

Public Input

Art F inquired on the status of moving the bridge on Route 67, completion of Farley Rd, Resolution #72 & #74, status of the water line on Route 9P, and agreed with Councilman Petronis on Resolution #68.

Supervisor Kinowski stated that the location of the bridge is not 100% approved as they are waiting to hear from the Army Corp of Engineers at which time a final answer will be given to the residents, the water line on Route 9P is just past the intersection of 9P & 423 and will continue up to the church.

Supervisor Kinowski stated that Resolution #74 is a one time deal which will allow two people to retire and the cost will be approximately \$30,000 to be paid in a lump sum or over a five year period.

Supt Minick stated that Resolution #72 was authorizing the Town entry on the property for clearing the culvert pipe and that the drainage would still follow its natural course.

Art G inquired if the old sweeper had been sold.

Supt Minick stated that it had been sold.

Supervisor Kinowski reported that he had followed up on a question brought up at the prior meeting regarding an article in the paper on the Village water. He stated that he has talked to the Village and made calls to the Dept of Health regarding the article. The NYS Health Board compelled the Village to put the article in the paper notifying the residents that there is potential that the water could be contaminated but at this time the water is safe to drink.

Audited claims

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

General	#340--#362	\$17,129.21
Highway	#367--#390	\$24,089.33
Town Outside	#118--#129	\$14,292.41
Capital Projects	#49--#56	\$39,486.18
Water & Sewer	#58--#59	\$747.98

Motion carried

Motion by Councilman Petronis and seconded by Councilman Baker to adjourn to Town Board Meeting at 8:35 PM and enter into executive session to discuss personnel and litigation. **Motion carried.** (Noted: The Town Board will not act on any further business or go back into the business meeting this evening).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk