

Stillwater Town Board
Agenda Meeting/Public Hearing
Amendment to Ethics/Term Limits
September 16, 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**
 James Trainor, Attorney for the Town
 Joe Lanaro, Engineer for the Town

Absent: **Mark Minick, Supt of Highways**

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

7:00 PM Public Hearing (*Amendment to Ethics Law*)

Supervisor Kinowski called the public hearing to order.

Public Input

John V commented on Article #3 of the proposed amendments in regard to it being a violation of the state law.

Supervisor Kinowski stated it would be looked into.

Art F. inquired if everyone knew what changes were being made.

Supervisor Kinowski stated that it has been published, talked about at previous meeting and available for public inspection prior to tonight's meeting.

With no further comment Supervisor Kinowski declared the Public Hearing adjourned at 7:05 PM.

7:05 PM Public Hearing (*Term limits on Supervisor & Council Members*)

Supervisor Kinowski called the second public hearing to order and stated that it was his intention at the end of this public hearing to adjourn the public hearing instead of closing the public hearing. He felt that this matter would need to be carried forward and keep the opportunity for residents open to comment and voice their opinions.

Jon M inquired on how term limits came about, if other communities had term limits and stated that the Supt of Highways should also be included if they were going to do term limits.

Councilwoman Bruno stated that she is following up on request of residents. She feels that this would be a way of opening the process for more citizens to get involved with their communities. She is hoping to be the first Town in Saratoga County to establish term limits which will set a trend for other communities to follow.

Supervisor Kinowski commented that the Highway Superintendent position was not brought up in the general discussion of term limits

T. Mellon inquired how the term limit read and commented that they have term limits now through the election process.

Attorney Trainor read the difference between term limit for Supervisor and Council members and the term extension proposal for the Supervisor and Tax Collector positions.

Karen L. applauded the Town Board for their initiative and stated that this was an opportunity to get new blood involved. She also stated that the Highway Supt and Town Clerk elected positions should be included.

Syd T. commented about an article in the local paper, inquired if this also meant that they could not run for office again and asked if this would go up for public referendum

Supervisor Kinowski stated that the article was the view of three of the Town Board members but not necessarily how he would vote in the end, he wants to hear what the residents have to say and it boils down to want the residents want. He also indicated that the Council or Supervisor could run for another position and that this would not go up for public referendum.

Maria M. how this would affect current Board Members and would like to know the feelings of the Board Members on term limits.

Supervisor Kinowski stated that if this was to pass it would start fresh and move forward from time when they are next elected. He also commented that they were here this evening to hear from the residents and not the views of the Council Members.

Coke C. commented on the term limits and asked how this would get fresh faces when the person could run for another office.

Councilwoman Bruno stated that she believes the person should move on and not be able to run for office again.

Terry S. stated that she welcomes term limits and believes it will bring new faces and ideas to the table.

Mike C. inquired if any Board member was eligible for retirement and stated that he supported term limits and the increase of term extension for the Supervisor.

Supervisor Kinowski stated that the present Town Board was not eligible for retirement.

John B. stated that he & his wife supported term limits.

Keith C. supports term limits, felt it would bring fresh ideas and that it should be Town wide and include all elected officials. He also inquired if this would hinder the Supervisor at the County level.

Supervisor Kinowski stated that this would not affect the Supervisor at the County level.

Councilman Petronis stated that he has been around a long time and he doesn't believe in term limits. He commented on a letter received from former Supervisor Connelly who stated people fought wars to give us the right to vote for the person they want in office. He stated that there was no way he was going to vote in favor of this proposal. Anyone has the right to run for office through the election process and he is not going to take peoples rights away from them.

Supervisor Kinowski wanted it known that Councilman Petronis may not be in favor of the term limits but agreed to go forward with the public hearing to discuss the proposal.

Art F. stated that he was not in favor of term limits.

Phil C. inquired on how the Supervisor felt about term limits.

Supervisor Kinowski stated that he was for term limits and if anyone wanted they could come to his office and he will discuss it with them one on one.

John V. stated that he was against term limits.

Fran B stated that he agreed with Councilman Petronis and that they have always had term limits through the election process. He commented that if someone is doing a good job for the Town the residents will see that and if not then they will be voted out. He also felt that term limits could hurt the town.

Supervisor Kinowski commented that some people feel they know the outcome of this proposal but he feels that this needs a lot more input from the general public. They have had discussions on how to reach people and suggestions such as surveys in the tax bill, e-mails etc. He feels they need more time to discuss this matter and if anyone has any suggestions on how to reach the residents don't hesitate to submit them.

Discussion was held on whether this could be put on the ballot for election. It was noted that it can not be put to vote on the ballot because there was know legal authority. It was mentioned that a citizen referendum could be done by petition to be placed on the ballot.

With no further comment Supervisor Kinowski declared the Public Hearing adjourned at 7:55 PM.

Business Meeting 8:00 PM

Supervisor Kinowski called the Business meeting to order.

Town Clerk, Sue Cunningham took the roll call.

Adoption of Minutes: Motion by Councilwoman Whitman and seconded by Councilman Petronis to adopt the minutes of the August 19, 2010 Business Meeting. **Motion carried.**

Supervisor Kinowski reported that he attended the dedication of a 100 acre walking trail park in the Luther Forest which includes woodlands, swamplands, bridges and overlooks. He stated that it is accessed by Route 9 or off Route 67. He also commented that there was another trail up near the Wilton Mall near BJ's which consists of seven miles of trails.

Action Items (Resolutions #83-#88)

Resolution #83 Appointing Nicholas Dunn to the Saratoga County Youth Bureau

Introduced by: Councilwoman Whitman

WHEREAS, a vacancy exists at the Saratoga County Youth Bureau to be filled by a representative from the Town of Stillwater; and

WHEREAS, a Committee of the Town Board has conducted interviews and has selected a nominee;

Now, therefore, be it

RESOLVED, that Nicholas Dunn is hereby appointed to the Saratoga County Youth Bureau effective immediately with the term of one year.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #83.

A roll call vote was taken on Resolution #83 as follows:

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

Motion carried. Resolution #83 was adopted unanimously.

Resolution #84 Authorizing Engineering Services in Connection with the Stillwater Woods Subdivision Proposed Drainage District

Introduced by: Supervisor Kinowski

WHEREAS, the attached proposal of The Chazen Companies for engineering services in connection with the creation of a town drainage district to encompass the Stillwater Woods Subdivision located along NYS Route 423 is annexed hereto and made a part of hereof; and

WHEREAS, these services are needed in order to respond to the petition of Amedore Homes for such drainage district to be formed;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes The Chazen Companies to perform the described engineering services in an estimated amount of \$4,000.00.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #84.

A roll call vote was taken on Resolution #84 as follows:

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

Motion carried. Resolution #84 was adopted unanimously.

Resolution #85 **Adopting Local Law No. 9 of 2010**
 Amending Local Law No. 1 of 2010 Regarding
 Changes to the Code of Ethics

Introduced by: Councilwoman Whitman

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

WHEREAS, a public hearing was conducted before the Stillwater Town Board to consider the attached Local Law No. 9 of 2010 amending Local Law No. 1 of 2010 regarding changes to the Ethics Code on September 16, 2010; and

Now, therefore be it

RESOLVED, that the Town Board hereby adopts Local Law No. 9 of 2010, a Local Law amending Local Law No. 1 of 2010 regarding changes to the Code of Ethics; 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 Whitman and seconded by Councilwoman Bruno to adopt Resolution #85.

A roll call vote was taken on Resolution #85 as follows:

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

Motion carried. Resolution #85 was adopted unanimously.

Resolution #86 **NEW YORK STATE DEPARTMENTS OF STATE AND**
 ENVIRONMENTAL CONSERVATION BROWNFIELD
 OPPORTUNITY AREAS PROGRAM

LEAD APPLICATION RESOLUTION

Introduced by: Supervisor Kinowski

Brownfield Opportunity Areas Name: Riverside BOA

Resolution authorizing the items listed below pursuant to §970-r of the General Municipal Law.

WHEREAS, the Town of Stillwater Town Board herein called the “Applicant”, after thorough consideration, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable; and

WHEREAS, §970-r of the General Municipal Law authorizes State assistance to eligible parties for Brownfield Opportunity Areas Program grants by means of a State Assistance Contract (SAC) and the Applicant deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW, THEREFORE, BE IT RESOLVED BY the Town of Stillwater Town Board,

- 1. That Edward Kinowski, Supervisor, is the representative authorized to act in behalf of all applicants in all matters related to State assistance under §970-r of the General Municipal Law for the Project. The representative is also authorized to sign and submit the application, execute the SAC, request SAC advances and reimbursements, redistribute SAC reimbursements as appropriate, submit Project documentation, and otherwise act for all applicants in all matters related to the Project and to State assistance;
- 2. That the Applicant agrees that it will complete the Project;
- 3. That the Applicant agrees that it will fund its portion of the Applicant’s 10% share of the Project; and
- 4. That this Authorization take effect immediately.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to TABLE Resolution #86.

A roll call vote to TABLE was taken on Resolution #86 as follows:

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

Motion carried. Resolution #86 was adopted unanimously.

**Resolution #87 Authorizing the Supervisor To Sign a Letter of Intent for
 KaBoom Grant**

Introduced by: Supervisor

WHEREAS, KaBoom, Inc. is offering a grant to certain organizations to utilize an “Imagination Playground in a Box” set; and

WHEREAS, the equipment would benefit children in the Town, particularly at the Stillwater Area Community Center and in Town Parks;

Now, therefore be it

RESOLVED, that the Supervisor is hereby authorized to sign the attached Letter of Intent to obtain the Imagination Playground in a Box at Stillwater Area Community Center and Town Parks.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #87.

A roll call vote was taken on Resolution #87 as follows:

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

Motion carried. Resolution #87 was adopted unanimously.

Resolution #88 Regarding a Change to Town Board Meetings

Introduced by: Supervisor

WHEREAS, Resolution No. 1 of 2010 scheduled both an agenda meeting and a business meeting for the Town Board on the first and third Thursdays of each month, respectively; and

WHEREAS, a resolution is required to alter this schedule; and

WHEREAS, the Supervisor has recognized the need to alter said schedule during the month of October for the Board to conduct a number of budget work shops;

Now, therefore be it

RESOLVED, that the Town Board hereby determines that the Town Board Agenda and Business meeting will be combined on the 1st Thursday of October; thus leaving additional time to conduct necessary budgetary requirements to prepare the next fiscal year budget.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution # 88.

A roll call vote was taken on Resolution #88 as follows:

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

Motion carried. Resolution #88 was adopted unanimously.

Public Input

Mike C. inquired about resolution #88.

Supervisor Kinowski stated that the agenda & business meeting will be held on October 7th in order for the Town Board to hold several budget workshops if necessary.

John Basile, Village Trustee spoke on the Town sewer units serviced by the Village, the fine imposed on the Village by DEC and repairs that needs to be made to the Castle Cliff Sewer Plant.

Terry S. inquired about the financial status of the multi use trail and the Glen Hollow Park. Supervisor Kinowski stated that on the matter of the trail they will be discussing that at budget time on how to pay the debt. In regard to the Glen Hollow Park he has met with residents, Engineer Lanaro, and Supt Minick and they are moving forward in phases in the most cost effective way.

Karen L commented on ditch digging, stockpiling good top soil and herbicides in the soil. She was not in favor of irrigation systems in the park for cost effective reasons. Discussion was held on soil and grass.

Art F. inquired about the cost relating to Resolution #83 & #84.

Supervisor Kinowski stated that for Resolution #84 it is funded by an escrow account that the developer funds and for #83 it is a volunteer position.

Mike C inquired if the Kaboom grant was received or awarded to the Town.

Supervisor Kinowski spoke on the committee involved in trying to obtain the grant, having a secure location to be utilized for the playground equipment and since the park is not ready yet the Stillwater Area Community Center is a starting point.

Audited Claims

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

General	#375--#390	\$6,528.85
Highway	#405--#420	\$1,8007.14
Town Outside	#131--#138	\$9,274.35
Water & Sewer	#64--#65	\$1,167.31
Capital Projects	#57--#62	\$24,182.99

Motion carried.

Motion by Councilman Baker and seconded by Councilwoman to adjourn the Business Meeting and enter into executive session for litigation matters at 8:30 PM. **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