

**Stillwater Town Board
Agenda Meeting
September 20, 2012 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 Public Hearing to order 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 Baker to adopt the minutes of August 16, 2012. **Motion carried.**

Communications: Supervisor Kinowski stated he had several communications.

Blockhouse: the wall at the Blockhouse surrounding the flag poles is giving and three bids have been received to repair the wall properly.

Councilwoman Whitman inquired as to what the Blockhouse uses their funds for.

Supervisor Kinowski stated that they have approximately \$1,500 in funds.

Discussion was held on the bids and work that has to be done.

Councilman Baker will look at the wall and bids received.

Proclamation: Supervisor Kinowski stated that he would like to declare October as anti-bullying month. The Town Board was in full agreement with Supervisor Kinowski.

Breast Cancer Walk: Supervisor Kinowski stated that there will be a breast cancer awareness walk in Mechanicville on October 14th. A twenty dollar donation is being requested.

FEMA: Supervisor Kinowski stated that the money from FEMA regarding damage from Hurricane Irene has been received.

Councilman Baker requested a resolution for the next meeting to spend up to \$5,000 on repairs at the Community Center. He stated that the money is for material and that the work is being done by volunteers.

Councilman Baker stated that he would like the sign at the Stewarts on the Lake be relocated to another area if possible.

A brief discussion was held on who owns the sign and if it was donated to the Town.

Agenda Items

Resolutions #76 & #79-#84

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.

Resolution No. 76 of 2012 was TABLED at a meeting of the Town Board of the Town of Stillwater duly conducted on August 16, 2012.

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

A roll call vote was taken on Resolution #76 of 2012 as follows:

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

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

Discussion: Councilwoman Whitman questioned the benefit of having this work done. Supervisor Kinowski stated that right now the land is worthless, residents in the area are taking more of the land and it is becoming a dumping ground. He stated that even if they sold off lots the Town would make their money back or could become a potential park.

A roll call vote was taken on Resolution #76 of 2012 as follows:

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

Motion carried. Resolution #76 was adopted unanimously.

**Resolution #79 Adopting Amendments to
The Town-wide GEIS Findings Statement**

WHEREAS, the Town's Attorneys and Engineers have recommended a change to the Town-wide GEIS Findings Statement to allow the Town to accept projects or services in lieu of the payment of certain GEIS Mitigation Fees; and

WHEREAS, a Public Hearing to consider the Amendments was conducted on September 6, 2012 and the comments of the public have been considered; and

WHEREAS, the requirements of SEQRA have previously been satisfied through the original GEIS process;

Now, therefore, be it

RESOLVED, the Town Board hereby adopts the recommended changes to the Town-wide GEIS Findings Statement as proposed in the attachment hereto; and be it further

RESOLVED, that the Chazen Companies are requested to publish appropriate notice of the Findings Statement Amendment in the Environmental News Bulletin or other required publication, if applicable.

Motion by Councilman Baker and seconded by Councilman Petronis to ADOPT Resolution #79 of 2012.

A roll call vote was taken on Resolution #79 of 2012 as follows:

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

Motion carried. Resolution #79 was adopted unanimously.

Resolution #80 Approve Leasing a Police Vehicle

Introduced by: Supervisor

WHEREAS, the leasing of a vehicle by a municipality constitutes a “installment contract” under NY General Municipal Law §109-b and as such requires that public bidding requirements of NY General Municipal Law §103 be observed unless the lease is from a state bid contract; and

WHEREAS, the Police Chief has identified the need for a new police car and has identified a _____ from the state bid contract at a total lease price of \$41,700; and

WHEREAS, the term of the installment contract will not exceed the five-year period of probable usefulness for a motor vehicle in accordance with the requirements of Local Finance Law §11.00; and

WHEREAS, the Supervisor recommends entering into a three-year lease agreement with New York State for three annual lease payments of \$13,900, which includes interest at an annual rate of __% with \$_____ added to the first payment for documents fees; and

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a three-year automobile lease agreement with New York State for a new _____, identified from the state bid contract, which calls for three-annual payments of \$13,900 with \$_____ added to the first payment for document fees; and be it further

RESOLVED, that the installment lease contract shall separately state the principal and interest component of the periodic payments to be made thereunder in accordance with NY General Municipal Law §109-b; and be it further

RESOLVED, that the installment lease contract shall contain the following clause in accordance with NY General Municipal Law §109-b:

“This contract shall be deemed executory only to the extent of monies appropriated and available for the purpose of the contract, and no liability on account thereof shall be incurred by the political subdivision beyond the amount of such monies. The installment lease contract is not a general obligation of the Town of Stillwater. Neither the full faith and credit nor the taxing power of the Town of Stillwater is pledged to the payment of any amount due or to become due under such installment lease contract. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to appropriate or make monies available for the purpose of the contract.”

Motion by Councilman Baker seconded by Councilman Petronis to ADOPT Resolution #80 of 2012.

A roll call vote was taken on Resolution #80 of 2012 as follows:

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

Motion carried. Resolution #80 was adopted unanimously.

Resolution #81 Setting A Public Hearing
Regarding A Permanent Non-Exclusive Easement for Sewers to
Luther Forest Technology Campus Economic Development Corporation
And Saratoga County Sewer District #1

Presented By: Supervisor

WHEREAS, the Town acquired ownership in fee and permanent easements in real property by virtue of deeds from 45 property owners with regard to the future installation of sewers as a part of the Cold Springs Road Improvement Corridor along Coons Crossing Road, Route 67, Farley Road, Fitch Road, Cold Springs Road and Cordero Boulevard; and

WHEREAS, in furtherance of the Cold Springs Road Improvement Corridor project, the Town desires to transfer certain property interests to Luther Forest Technology Campus Economic Development Corporation (“LFTCEDC”) and the Saratoga County Sewer District #1 for sewer lines to the Global Foundries complex; and

WHEREAS, a previous Public Hearing was held for this purpose in September, 2011 but the transfer was not approved at that time due to unresolved financial and engineering issues;

Now, therefore, be it

RESOLVED, that a public hearing is hereby scheduled for October 11, 2012 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 and Saratoga County Sewer District #1, which conveyances would be subject to a permissive referendum pursuant to New York State Town Law §64(2); and be it further

RESOLVED, that the Town Clerk is directed to publish and post appropriate Notice of the Public Hearing.

Motion by Councilman Baker and seconded by Councilman Petronis to ADOPT Resolution #81 of 2012.

A roll call vote was taken on Resolution # 81 of 2012 as follows:

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

Motion carried. Resolution #81 adopted unanimously.

Resolution #82

**Authorizing the Supervisor to Sign
Grant Agreement**

Presented By: _____ Supervisor _____

WHEREAS, the Town may receive a special grant in the 2012-2013 from New York State Budget for the Court; and

WHEREAS, there are specific requirements and regulations governing the expenditure of these funds;

Now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign all documents necessary on behalf of the Town to apply for, receive and expend the Court grant funds for Central Air Conditioning System for the Court Room, Security Cameras for the Town Hall, Enclosed Bulletin Board and Cash Box.

Motion by Councilman Baker and seconded by Councilman Petronis to ADOPT Resolution #82 of 2012.

A roll call vote was taken on Resolution # 82 of 2012 as follows:

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

Motion carried. Resolution #82 adopted unanimously.

Resolution #83

**Regarding October Scheduling of
Town Board Meetings**

WHEREAS, Resolution No. 1 of 2012 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, in order to obtain more public input into the Budget process, the Town Board will modify its October schedule to hold an agenda meeting and a business meeting for the Town Board on the second and fourth Thursdays for the month of October, 2012 only;

Now, therefore, be it

RESOLVED, that the Town Board hereby determines that the Town Board meeting schedule be modified to reflect that the Town Board will conduct an agenda meeting and a business meeting on the second (October 11, 2012) and fourth (October 25, 2012) Thursdays of October, 2012; and be it further

RESOLVED, that beginning in November and continuing through the end of the calendar year, the Town Board will resume both an agenda meeting and a business meeting on the first and third Thursdays of each month, respectively; and be it further

RESOLVED, that the Town Clerk is directed to publish and post appropriate Notice of the schedule change.

Motion by Councilman Baker and seconded by Councilman Petronis to ADOPT Resolution #83 of 2012.

A roll call vote was taken on Resolution #83 of 2012 as follows:

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

Motion carried. Resolution #82 adopted unanimously.

**Resolution #84 Disburse Budgeted Funds
For Continued Work at the Glen Hollow Park**

Introduced by: Supervisor

WHEREAS, the Town Board previously determined that it was in the public interest to construct a crosswalk over County Route 76 so that residents and their children could safely cross to the Glen Hollow Park from subdivisions on the opposite side of the road; and

WHEREAS, it has been found that as the construction has come to an close, an addition to the crosswalk project is needed as recommended by The Chazen Companies; and

Now, therefore, be it

RESOLVED, the Supervisor is hereby authorized to expend the allotted budgeted funds for the Glen Hollow Park to complete the add-on alternate at a cost not to exceed \$4500.

Motion by Councilman Baker and seconded by Councilman Petronis to ADOPT Resolution #84 of 2012.

A roll call vote was taken on Resolution #84 of 2012 as follows:

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

Motion carried. Resolution #82 adopted unanimously.

Public Input

Russ B inquired as to the status of the proposed water district and if the Town participates in the County Sewer.

Supervisor Kinowski stated that there are different options that have been discussed such as: using a portion of the PILOT, putting in a transmission line and charging an outside user fee for those to tap in. they are hoping to have another workshop in the near future. More discussion was held on the cost, rates and units.

Supervisor Kinowski stated that the entire Town has been place within the County sewer which gives the Town the potential to someday tap into the County sewer. If the Town ever does it will be cheaper because the Town is already in the district.

Coke C inquired why there was an add on to the Saratoga Glen walkway.

Supervisor Kinowski stated that the additional add on to the park entrance was done for safety reasons.

Marty D inquired about the Towns debt.

Supervisor Kinowski went over the Towns debt.

Lynn L questioned why they don't hold off on the proposed water line and negotiate with Global to put in the water line for free. He stated that he was for the water line but at no cost to the residents.

Supervisor Kinowski stated the issue the Town was facing was the problems the City of Mechanicville has with water which effect residents within Water District #3 & #4. He also spoke on the restrictions imposed on Water District #3 & #4 and the proposed dredging of the Mechanicville Reservoir.

Discussion was held on the proposed water line and problems the Town could be faced with. He stated even if they don't go with the proposed water line and decided to wait the project is already on the books, ready to go if situation changes and that the largest part is completed.

Art F inquired about steel and not wood piling being used for VanNess Rd. Engineer Lanaro stated the plans call for steel because wood pilings would not hold up after time.

John C commented on Global Foundries money that goes to the school and town and how the south end of town goes to Mechanicville School.

Supervisor Kinowski inquired of the residents on their thoughts of Maplewood Manor. Should the County raise taxes to support or have an independent company take over?

Brief discussion was held and Supervisor Kinowski requested that residents contact him with their opinions or suggestions that he can take back to the County.

Audited Claims

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

General	#354-#371	\$8,018.27
Town Outside	#198-#216	\$19,929.03
Highway	#329-#339	\$5,767.15
Water & Sewer	#44	\$245.95

Motion carried.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adjourn into executive session at 8:30 pm for litigation matters. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk