

**Stillwater Town Board
Business Meeting
November 15, 2012 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
Joe Lanaro, Engineer for the Town

Absent: Councilwoman Lisa Bruno

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 Councilman Baker to adopt the minutes of the October 25, 2012. **Minutes carried.**

Bid Opening: Only one bid was received. Discussion was held on whether to go back out to bid for the crew cab truck. The consensus of the Town Board was to go out to bid.

Agenda Items

Resolutions #92-#99

Attorney Trainor recommended that the Town Board consider tabling Resolution #95 & #98. He stated that the two Resolutions needed to have some required changes made to the. Discussion was held on tabling the two resolutions. The consensus of the Town Board was to table Resolutions #95 & #98.

Motion by Councilwoman Whitman and seconded by Councilman Petronis to table Resolutions #95 & #98. **Motion carried.** (Resolutions with roll call will be listed below).

Resolution #92

Amend Development Agreement With AMD Fab Technologies US, Inc.

Introduced by: Supervisor

WHEREAS, the 2004 Development Agreement between the Town of Stillwater and AMD Fab Technologies US, Inc. (“AFT”) provides for the payment and distribution of certain Community Benefits required by the Luther Forest Technology Campus Planned Development District (“LFTC PDD”) (Local Law No. 3 of 2008, as amended); and

WHEREAS, the Development Agreement currently provides that the Stillwater Town Board shall have the ability to veto grants or loans involving the principle of the Global Foundries/Stillwater Foundation Fund; and

WHEREAS, the Board of Directors of the Global Foundries/Stillwater Foundation have requested that the Town Board agree to amend the Development Agreement to eliminate the Town Board's ability to veto such loans or grants from the Foundation's principal;

Now therefore be it,

RESOLVED, that the Stillwater Town Board hereby agrees to amend the 2009 Development Agreement between the Town of Stillwater and AFT to delete the last sentence of paragraph 2c. thereof and replace it with the following: “[t]he Town Board shall be notified of all proposed Foundation grants or loans before they are awarded.”

Motion by Councilman Baker and seconded by Councilman Petronis to adopt Resolution #92 of 2012.

A roll call vote was taken on Resolution #92 of 2012 as follows:

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

Motion carried. Resolution #92 of 2012 was unanimously adopted.

**Resolution #93 Authorizing the Supervisor to Sign 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 the Supervisor is authorized to sign a permanent non-exclusive sewer easement to LFTCEDC, which conveyance is subject to a permissive referendum pursuant to New York State Town Law § 64(2).

Motion by Councilman Baker and seconded by Councilman Petronis, to adopt Resolution #93 of 2012.

A roll call vote was taken on Resolution #93 of 2012 as follows:

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

Motion carried. Resolution #93 of 2012 was unanimously adopted.

**Resolution #94 Consenting to a Certificate of Amendment
To the Certificate of Incorporation of
Saratoga Water Services, Inc.**

Presented By: Supervisor

WHEREAS, Saratoga Water Services, Inc. is incorporated as a Transportation Corporation and is required by State Law to obtain the consent of the Town before extending its water services to new users or areas within the Town; and

WHEREAS, the Town has previously consented to Saratoga Water Services, Inc. operation of its water franchise within the Town and the Corporation now seeks to amend its Certificate of Incorporation to encompass the proposed new service area along Grace Moore Road; and

WHEREAS, the Town Board is satisfied that Saratoga Water Services, Inc. has complied with the requirements of New York State Transportation Law Sections 41 and 44;

Now, therefore, be it

RESOLVED, that the Application of Saratoga Water Services, Inc. for the Town's consent to the Certificate of Amendment to its Certificate of Incorporation to extend its franchise and water service to portions of Grace Moore Road as proposed in the attachment hereto is granted.

Motion by Supervisor Kinowski and seconded by Councilman Baker to TABLE Resolution #94 of 2012.

Discussion was held on the extension and whether compatible with the County. Supervisor Kinowski recommended they hold off until they hear back from the County.

A roll call vote was taken to TABLE Resolution #94 of 2012 as follows:

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

Motion carried. Resolution #94 of 2012 was TABLED unanimously.

Resolution #95 **Accepting the Cold Springs Road Contract #2 Highway Rehabilitation Project as Complete**

Presented By: _____ Supervisor _____

WHEREAS, the Town Designated Engineer and the Town of Stillwater Highway Superintendent have recommended that the Town Board accept the Cold Springs Road Contract #2 Highway Rehabilitation Project as complete; and

WHEREAS, the Town Board agrees with the assessment;

Now, therefore, be it

RESOLVED, that the Town Board hereby accepts the construction of the Cold Springs Road Contract #2 Highway Rehabilitation Project as complete.

Motion by Councilwoman Whitman and seconded by Councilman Petronis to TABLE Resolution #95 of 2012.

A roll call vote was taken to TABLE Resolution #95 of 2012 as follows:

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

Motion carried. Resolution #95 of 2012 was TABLED unanimously.

Resolution #96 **Adopting the Budget for 2013**

Introduced by: _____ Supervisor _____

WHEREAS, several workshops were held with regard to the proposed budget for 2013; and

WHEREAS, the Town Board proposed its Preliminary Budget at a Public Hearing conducted on November 1, 2012, where the Budget was reviewed and comments from the public were received;

RESOLVED, that the final 2013 Budget, a copy of which is on file at both the Supervisor's office and the Town Clerk's office, is hereby approved, as amended.

Motion by Councilman Baker and seconded by Councilman Petronis to adopt Resolution #96 of 2012.

A roll call vote was taken on Resolution #96 of 2012 as follows:

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

Motion carried. Resolution #96 of 2012 was unanimously adopted.

Resolution #97 **Authorizing the Replacement of
Sign at Glen Hollow Park**

Introduced: Councilwoman Whitman

WHEREAS, Councilwoman Whitman recommends that the sign at Glen Hollow Park be replaced due to it being vandalized; and

WHEREAS, competitive bidding is not required as the monetary threshold of General Municipal Law of §103 has not been reached; and

WHEREAS, the cost to fabricate and install the new signs is One Thousand Nine Hundred Dollars (\$1,900.00);

Now, therefore, be it

RESOLVED, the Town Board hereby authorizes the purchase of a new sign which includes the fabrication and installation at the Glen Hollow Park at a cost not to exceed One Thousand Nine Hundred Dollars (\$1,900.00).

Motion by Councilman Baker and seconded by Councilman Petronis to adopt Resolution #97 of 2012.

A roll call vote was taken on Resolution #97 of 2012 as follows:

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

Motion carried. Resolution #97 of 2012 was unanimously adopted.

Resolution #98 **Accepting Dedication of the
Extension of Gurba Drive from
Camelot Associates Corporation**

Introduced: Supervisor Kinowski

WHEREAS, the Camelot Associates Corporation has requested to dedicate a roadway within the Revolutionary Heights Subdivision to the Town of Stillwater to satisfy a condition of their subdivision approval; and

WHEREAS, the applicant has substantially complied with the Town's standard procedure for

acceptance and dedication of roads as reviewed by the engineers and attorneys for the Town;

Now, therefore, be it

RESOLVED, that the Town hereby accepts the dedication of the extension of Gurba Drive in the Revolutionary Heights Subdivision from Camelot Associates Corporation subject to the following conditions being met:

1. The provision of a final Fee Title Insurance Policy in an amount not less than \$30,000 in form and substance acceptable by the attorney for the Town, and at no cost to the Town;
2. The payment of all applicable fees to the Town;
3. The receipt of a signed original Letter of Credit to cover the cost of the remaining items of construction and containing an automatic renewal clause until project completion;
4. A signed original permit, as required, from the Army Corps of Engineer (“ACOE”);
5. A signed original Release of Part of Mortgaged Premises in recordable form acceptable to the attorney for the Town;
6. The payment of all recording fees for the deed, release, TP-584, RP-5217 and any other documents to be recorded at the County Clerk’s office;
7. Compliance with the remaining items listed in correspondence of The Chazen Companies, engineers for the Town, dated October 17, 2012;
8. Original Memorandum of Agreement signed by both Camelot and the Highway Superintendent.

Motion by Councilwoman Whitman and seconded by Councilman Petronis to TABLE Resolution #98 of 2012.

A roll call vote was taken to TABLE Resolution #98 of 2012 as follows:

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

Motion carried. Resolution #98 of 2012 was TABLED unanimously.

Resolution #99 **Approving a Snowplowing
Contact for the Saratoga Battlefield**

Introduced: Supervisor Kinowski

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a contract for snowplowing with the National Park Service for the Saratoga Battlefield in accordance with the attached letter.

Motion by Councilman Baker and seconded by Councilman Petronis to adopt Resolution #99 of 2012.

A roll call vote was taken on Resolution #99 of 2012 as follows:

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

Motion carried. Resolution No. 99 of 2012 was unanimously adopted.

Public Input

Marty D requested an update on Van Ness Hill and if there was anything new on the proposed water district.

Supt Minick gave a brief update on the work done to date.

Supervisor Kinowski stated that there is a tentative date of completion which is December 6th.

Supervisor Kinowski reported that they will be having a capital projects meeting tomorrow morning to discuss the proposed water line and alternative options.

Art F commented on the salaries in the 2013 budget and in Resolution #93 he asked if the sewer line was owned by the County.

Supervisor Kinowski stated that the increases will not affect the budget and that the Town owns the property under the line.

John V commented on the Election redistricting.

Supervisor Kinowski stated that the Town has no control over the redistricting.

Supervisor Kinowski brought up walking trails for discussion. He asked the Town Board to consider offering assessment credit to homeowners where trails would run along.

Discussion was held on offering incentives and grants.

Mark A questioned the cost of maintaining the trails.

Supervisor Kinowski stated that most of the trails are maintained by volunteers.

Coke C asked if it was feasible to require business to have a back-up generator to help serve the public better.

Supervisor Kinowski stated that this was a good idea and turned to the attorney to see if it was possible.

Attorney Trainor said it was a possibility maybe under safety requirement.

Audited Claims

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

General	#413-#422	\$8,670.72
Town Outside	#247-#262	\$10,743.03
Highway	#395-#418	\$15,108.00
Capital Projects	#3	\$300.82
Water & Sewer	#148	\$2,444.07

Motion carried.

Motion by Councilman Petronis and seconded by Councilman Baker to adjourn into executive session to discuss contracts. **Motion carried.** (Note: The Town Board will not reenter in to the regular meeting).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk