

**Stillwater Town Board**  
**Agenda Meeting & Public Hearing**  
*(Sunset Provision-Brown's Beach)*  
**December 6, 2007 7:00 PM**  
**Stillwater Town Hall**

**Present:**      **Councilman Artie Baker**  
                  **Councilman Ken Petronis**  
                  **Councilwoman Joan Ronda**  
                  **Councilwoman Jo Ann Winchell**  
                  **Supervisor J Gregory Connors**

**Also Present:** **Sue Cunningham, Town Clerk**  
                      **Robert Beebe, Attorney for the Town**  
                      **Joe Lanaro, Engineer for the Town**

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

**7:00 PM        Public Hearing**

**Purpose:** The purpose of the Public Hearing is to afford the public the opportunity to comment on a proposed Local Law. The proposed Local Law pursuant to which the Town would amend Ordinance #4 of 1988, "Brown's Landing Planned Development District and the Parameters of Development at Brown's Beach", to include a sunset provision.

Supervisor Connors called the meeting to order.

Town Clerk Sue Cunningham took the roll call.

Attorney Beebe gave a brief overview of the Sunset Provision. He stated that this was a proposed amendment to ordinance #4 of 1988 known as the "Browns Beach PDD. This would mean that if certain action is not taken within a specified amount of time the PDD would cease to exist and the land within the described PDD would revert to its prior zoning classification. (A complete copy of the Sunset Provision is filed in the Town Clerk's Office for review)

**Public Input**

Resident I inquired about the procedure that an applicant would have to go through if they brought the 1988 Local Law before the board.

Attorney Beebe stated that at this point they would have to comply with the 1988 ordinance within the timeframe set in the sunset provision. If a developer were to come in with a different plan the Town Board would have to amend the PDD before anything else happens.

Resident II commented that there is no language in this proposal which explicitly states that these time frames only apply to the PDD as exactly proposed in 1988, and that any amendment to the PDD must be treated as a new application, that the 1988 ordinance is not relevant anymore and that it was obsolete. He stated that the 1988 ordinance should be terminated. (Resident submitted comments for the record)

Resident III commented that 31/2 years is a generous amount of time and felt it should be shortened. She commented that the sunset clause should not be adopted as is.

Resident IV agreed that the timeframe was too long and that the original should be terminated.

Resident V questioned what happens when a developer presents a plan within twelve months. Attorney Beebe stated that if the developer were to begin the process which would be a presentation to the Planning Board and the developer were to begin immediately it would be governed entirely by 1988 Legislation. If they were to submit a different plan it would require the whole 1988 Legislation to be amended and have to go through a new process.

Resident VI commented that when the original 1988 Legislation was approved the Town Planning & County Board voted against the original proposal, the Town Board amended it and nothing happened after that. He stated that the 1988 Legislation should be terminated since it has been twenty years.

Resident VII commented that timeframe in the Sunset Clause was not acceptable and that the 1988 legislation should be terminated.

Resident II commented on the 2001 zoning which provided a general provision for PDD that was for 12 months. He stated that a governing body put a lot of work into that, a year is plenty of time and that they should match the zoning law that is already on the books.

Resident VIII commented on the 1988 Legislation that called for a three story hotel and the last proposal was for 85 feet.

Supervisor Connors stated that the 85 foot proposal is no longer under consideration by the Town Board.

Resident IX inquired if with or without the sunset clause if there were plans to make sure that the area stays cleaned up and secured in the future.

Supervisor Connors stated that to his knowledge the area is secure and if the residents inform the Town otherwise than the Town will contact the owners.

Resident I commented on section B of the Sunset Clause and stated that it was almost an open ended extension. He stated that he hopes that they don't go with the proposal but if they do there should also be some type of time limit on the extension period.

Resident II suggested that instead of amended the 1988 PDD they terminate the original 1988 PDD and have the developer submit a new application for a new plan with complete SEQR.

Attorney Beebe stated that if a developer came in with a new idea they would have to amend the 1988 PDD, an amendment to the 1988 PDD would essentially be the same process as enacting a new PDD and all the new requirements including a SEQR would apply.

Supervisor Connors stated for the record that there was no proposed amendment before the Town for consideration.

With everyone having the opportunity to be heard Supervisor Connors declared that Public Hearing adjourned at 7:22 PM.

### **Agenda Meeting**

Supervisor Connors called the Agenda Meeting to order and led everyone into the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

**Adoption of Minutes: Motion** by Councilman Petronis and seconded by Councilwoman Ronda to adopt the minutes of the November 1, 2007 Agenda Meeting and the November 8, 2007 Public Hearing/Special Meeting of the Stillwater Town Board. **Motion carried.**

### **Bids (Fuel--2008)**

The Town Clerk reported that one bid was received.

Bids:	G A Bove & Sons	Diesel	\$2.95
	Mechanicville, NY	Gas	\$2.69
		Heating Fuel	\$2.87

Bids were turned back over to the Town Clerk who would make copies for the Attorney for review.

### **Reports & Resolutions (Town Board & Dept Heads)**

#### **Supervisor Connors**

**Brownfield Opportunity Area Grant:** 2<sup>nd</sup> Public Workshop will be held on Tuesday, December 11<sup>th</sup> beginning at 7:00 PM in the Village Board Room. Mayor Martin and I would like to thank the residents who attended the workshop held on December 4<sup>th</sup>. This cooperative effort between the town and village will assist us in planning our communities for the future. In order to be a productive and valuable document, it requires active participation by our residents. We were very pleased with the attendance and participation of our residents on December 4<sup>th</sup> and hope for an equally good attendance this coming Tuesday.

**Open Space Preservation & Farmland Protection Seminar:** If you have any interest in the preservation of open space or farmland protection in Stillwater, I urge you to attend and participate in a seminar we have planned for Thursday, December 13<sup>th</sup> beginning at 7:00 PM. The seminar will be held in the high school cafeteria on the Stillwater School Campus. The

seminar is sponsored by the Town of Stillwater; it has been organized by the members of our open space protection advisory group and will be facilitated by speakers from the NYS Office of Real Property Services, NYS Dept. of Ag. & Markets; Cornell Cooperative Extension and the Farm Bureau of New York State. Light Refreshments will be served. This seminar is intended to be very interactive with group discussions and question & answer periods throughout the event. Continuing education credit will also be available to Members of Planning & Zoning Boards from throughout the county as well.

EPF Grant Preserving Open Space: I am very pleased to report that our joint application with the Town of Malta and Saratoga PLAN to the Environmental Protection Fund has resulted in an award of \$320,000.00 for the purchase of development rights to a portion of the Sweeney Farm located on Route 67 in both the Town of Stillwater and Town of Malta. The award is another example of our private/public/government partnership that in Stillwater has allowed us to preserve approximately 715 acres of open space and farmland at a total project cost of just over \$1.8 Million Dollars. This grant will enable our communities to preserve historic, archeological significant area while advancing our effort to develop the Zim Smith multi-use recreational trail from Mechanicville through Halfmoon and Stillwater west to Malta and beyond.

Saving Money on Federal Taxes: Congresswoman Kirsten Gillibrand will preside at a Town Hall Meeting at the Round Lake Village Hall on Saturday, December 8<sup>th</sup> beginning at 1:30 PM. The topic for discussion will be a bill that the Congresswoman is sponsoring in the House of Representatives relating to saving money on Federal Taxes.

Several experts will also be present to provide professional advice to taxpayers in attendance on how to save money with regard to payment of Federal Tax.

Stillwater Sewer District Conveyance: With the Town portion of the Stillwater Sanitary Sewer Project substantially complete, I am pleased to report that the Town will be conveying Phase #1 of our project (from the Riverside II Pumping Station to the Main Trunk line in Mechanicville) at the December Meeting of the sewer district Board of Commissioners now scheduled for Wednesday, December 19<sup>th</sup>. I would like to thank the Town Attorney, Town Engineer and Town Highway Supt. for their personal effort with this very important project and for conveying the 1<sup>st</sup> of 4 conveyances to the sewer district ahead of schedule.

Christmas in Stillwater: Several events celebrating the Holiday Season have been scheduled in Stillwater: The annual lighting of the Village Christmas Tree and Live Nativity at the Stillwater United Church will be this Sunday, December 8<sup>th</sup> at 6:00 PM;

The annual community center Festival of Trees Celebration will take place at the community center on Saturday December 15<sup>th</sup> at 6:00 PM; Christmas song, a play and light refreshments will be available.

Town Christmas Party will be held on Sunday, December 16<sup>th</sup> from 2PM to 4PM at the Stillwater Community Center. Refreshments for residents of all ages; gifts for children and a visit from Santa.

Unfortunately, the Christmas Café held for many holiday seasons at the Stillwater United Church has been cancelled for this season.

Stillwater Fire District Annual Elections: The Stillwater Fire District Annual Elections (for residents living only in the Town of Stillwater) will be held from 6:00 PM to 8:00 PM on Tuesday, December 11<sup>th</sup> at the Arvin Hart Fire Station #1 on Campbell Road. The purpose of the election is for residents to elect one (1) Fire District Commissioner for a 5 year term beginning 1/1/08 through 12/31/13.

Home Energy Assistance Program (HEAP): A reminder to all residents that the Saratoga County Department of Social Services continues to accept and consider applications for home energy assistance for the 07-08 heating season. Residents must meet income eligibility requirements. Funds are available until all money is depleted. Regular and emergency grant applications are available by calling the HEAP office in Ballston Spa at 884-4138 during normal business hours.

Monthly Financial Reports: Budget reports for the month of November have been distributed to the Members of the Town Board and Department Heads through November 30<sup>th</sup>. A few interesting facts:

In our General Fund (A-Fund) our annual expenses are \$600K less than authorized by our 2007 Budget;

In our General Fund (Outside Village or B-Fund) our annual expense is \$225K less than authorized by our 2007 Budget:

Expenses year-to-day in our Highway Budget is \$390K less than anticipated; I would like to extend my thanks and appreciation to our department heads for their year-long effort to keep local government spending under control in Stillwater.

Codification: I am very pleased to report that our Town Codification, of all Town laws, rules & regulations, a project that has been underway for the better part of 2007 has been completed. As required, I have asked the Town Clerk to schedule a public hearing for Thursday, December 20<sup>th</sup>

at 7:00 PM to take public comment regarding this project and to address any questions or comments that may be appropriate, prior to the adoption of the Codification by Local Law.

#### **RESOLUTIONS PROPOSED FOR THE BUSINESS MEETING**

Adoption of the Office of Fiscal Management Accounting Policies & Procedure Manual;

Adoption of the Open Space Preservation/Farmland Protection Appendix to the Town Draft Generic Environmental Impact Statement;

Adoption of the Parks, Playground & Recreation Appendix to the Town Draft Generic Environmental Impact Statement;

Authorization for the Town Supervisor to convey Phase #2 of the Town of Stillwater Sanitary Sewer Project to the Saratoga County Sewer District;

Authorization for the Highway Superintendent to execute a contract with the National Park Service for snow & ice removal for public roads located within the boundaries of the Saratoga National Historical Park for the 2007/2008 Winter Season at \$175.00 per snow/ice event;

Adoption of the Town of Stillwater Travel Policy;

Adoption of Town Board Meeting Procedures;

Adoption of Rules for Public Access to Records for the Town of Stillwater;

Authorization for the Town Supervisor to execute an Intermunicipal Agreement with the Town of Halfmoon in support of the LFTCDC Sewer Project;

Adoption of all changes to the Town of Stillwater Comprehensive Emergency Management Plan for 2008;

Authorizing funds not to exceed \$500.00 to offset expenses related to the Town of Stillwater Annual Frost Faire, held in cooperation with the National Park Service, to be held on Saturday, January 26<sup>th</sup> at the Saratoga Battlefield;

Reimburse Brian Edgar, 8 Battery Blvd, Stillwater the amount of \$254.76 in water rent for Water District #3 as the bill was paid twice.

Councilwoman Winchell requested a copy of the Open Space Plan Draft and if this would require a public hearing.

Supervisor Connors stated that a final draft would be submitted to all Town Board members and that a public hearing would not be necessary for the addition to the GEIS. He said that they are just acknowledging, accepting, and including the appendix into the GEIS. The adoption of the GEIS requires a public hearing and consideration by the Town Board in an affirmative vote.

Councilwoman Winchell inquired as to when they could expect the completion of the GEIS.

Supervisor Connors stated that he believes it will be sometime in the first quarter of the 2008.

#### **Special Presentation**

Sue Cunningham, Town Clerk stated that there would be a special presentation and requested Mr. Dean to come up to the front.

Supervisor Connors introduced Frank Dean, Superintendent of the Saratoga National Historical Park.

Frank Dean wanted to thank Supervisor Connors for all the help he has given to the Park and presented him with a letter of appreciation and a print of the Surrender of the Saratoga Battles.

#### **Reports Con't.**

##### **Councilwoman Ronda**

Election: Councilwoman Ronda stated that the election Committee was invited to meet with the Arvin Hart Commissioners for the purpose of discussing a usage charge for using the fire houses as election polling places. The charge would be \$200 per station per election and this was to help offset the cost of maintenance. Councilwoman Ronda stated that they informed them that the County was in charge of all Elections so they would have to call the Board of Elections. She informed the Board that when they called the Board of Elections they were informed that the Board of Elections does not pay usage fees for polling places. She suggested that this be followed up on in the coming New Year.

Councilman Petronis inquired as to who would order and pay for parts for election machines. Town Clerk Sue Cunningham questioned who would pay for election school if the election machine custodians held one here at the Town Hall.

A discussion was held on who would pay for the parts to the machines and the schooling. It was decided that Councilman Petronis would call the Board of Elections and look into the two inquiries.

### **Councilman Baker**

Business Meeting: Councilman Baker inquired if they could start the Business Meeting on Dec. 20<sup>th</sup> at 7:30 PM instead of the usual time of 7:00 PM.

Town Board members agreed to start the Dec. 20<sup>th</sup> meeting at 7:30 PM.

### **Councilman Petronis**

Town Christmas Party: Councilman Petronis reported that the toys have been bought for the Town Christmas Party.

Councilwoman Winchell inquired if anything else was needed.

A discussion was held on the time and refreshments for the party.

Councilwoman Winchell agreed to take care of the refreshments and the time of the Christmas Party would be from 2:00 PM to 4:00 PM.

Councilman Baker asked Councilman Petronis if there was money in the 2007 budget to replace ceiling tiles in the hallway and the closet door.

Councilman Petronis stated that he has someone looking at doing the repairs.

### **Councilwoman Winchell**

Town-wide Clean-Up: We held a successful Town-wide Clean-Up on Saturday, Nov.3 at the Highway Garage. Over 200 vehicles deposited unwanted debris, including metal and tires. The total tonnage was less than the average; however, we need to remember that this particular clean-up was the 24<sup>th</sup> in 8 years. I would like to report that the public expressed an interest to continue with the service.

Open Space: The Open Space and Agricultural Focus Group will host a Public Workshop on December 13, 2007 at 7PM at the Stillwater High School cafeteria. We are very fortunate to have three NYS representatives facilitating topics that address ways to make local government more "Farm Friendly". I would personally like to thank Marty De la Rosa for his efforts in scheduling the speakers and promoting the program throughout the town and county. It is the perfect time of the year for a Farmers Forum.

Planning & Zoning: There is a need for an immediate resolution to grant leadership development credit hours to our Planning Board and Zoning Board of Appeals members that attend.

Budget: I received a copy of the approved 2008 Town of Stillwater Budget. The salary sheet included in the packet does not match the copy we reviewed prior to the vote and used as a basis for the motion. I think it is important that the record reflect that and the numbers are corrected.

Multi-Use Trail: I mentioned at the November Agenda Meeting my concern with the Empire State Development Grant for the Multi-Use Trail and the addendum prepared to accommodate the purchase of the 5 Campbell Road property. I have a copy of a communication from the Vice President of Special Programs, Marian McQueen that confirms my anxiety. As a Town Board, we need to discuss our options for recovering the \$100,000 to cover the purchase.

Supervisor Connors stated that there are two options. They can make a request to amend the existing grant or they can appropriate some of the expenses associated with the trail to the grant. He stated that he has had several conversations with Ms. McQueen and they are helping him through this.

Vouchers: The vouchers reflect a bill for approximately \$16,000 to DeGraff Bloom for work they did at the Turning Point Park. Before I sign the voucher authorizing payment I need someone to explain the work and why the job did not require bidding.

Councilman Petronis stated that this was part of the project and was extra work that was done above and beyond.

Councilwoman Winchell inquired why it never went before the Town Board or went out for bid. Supervisor Connors stated that he believes that there were some requirements made necessary by the Highway Supt. to complete the project. There were changes in the irrigation system that weren't considered originally.

Has the Town received payment from the Revolutionary Heights developers for the sewer linkage necessary to connect Hillside to the County?

For the Attorney: Councilwoman Winchell inquired about the status of codification and the PDD files from Town Clerk's Office that need to be returned to research information relative to the FOIL requests.

For the Engineer: Councilwoman Winchell inquired about the status of the GEIS

**Attorney** (Robert Beebe)

Codification: Attorney Beebe stated that the proposed Local law describes the codification process. He stated that this takes all the Local Laws and Ordinances that have been enacted, puts them in one place and organizes them by subject matter. It is also permissible to add to those for instance policies and procedures. He said that all the code material would be made available in the Town Clerk's office for review. He stated that there would be a public hearing prior to adoption.

Litigation: Attorney Beebe reported on the Carriero litigation involving Water Dist #3 and #4. He stated that the litigants requested the Court of Appeals to review the decision of the Appellate Division. The Court of Appeals has dismissed the complaint with the regard to Water Dist #3, which is now over. In regard to Water #4 the Appellate Division has remanded to the Supreme Court for further proceeding, the Court of Appeals looked at that and stated that this was the correct path to go. Water Dist #4 will go back to the Supreme Court, the judge has scheduled a conference with the Attorney's to determine the best way to proceed at this point. The conference is scheduled for January.

Councilwoman Winchell commented on the timeframe of the Sunset Clause and presented a copy of the timeframe of a project she had retrieved from the SEQR Cookbook.

**Engineer** (Joe Lanaro)

Engineer Lanaro submitted an Engineers report for the board to review. (Copy is on file in the Town Clerk's Office for review).

Councilwoman Winchell inquired if there would be a future meeting with the residents of Cold Springs Rd regarding the work to be done up there.

Engineer Lanaro stated that they have discussed this at the Capital Projects meetings.

Supervisor Connors stated that they wouldn't hold any meetings until after they receive word from the NYSDOT on the preliminary designs.

**Town Clerk** (Sue Cunningham)

Frost Faire: Sue Cunningham requested a Resolution to co-sponsor the 13<sup>th</sup> annual Frost Faire at a cost not to exceed \$500.

Water: Sue Cunningham stated that a resident's water bill was paid twice and requested a resolution to reimburse the resident. (Information was given to the Attorney regarding the name and amount).

**Building Dept.** (Ray Abbey)

Ray Abbey, Building Inspector submitted a Building Dept report for the Board to review.

**Fire Marshall/911 Administrator** (Bob Palmieri)

Fire Marshall: Bob Palmieri reported that he has done a couple of building inspections, fire inspections and assisted a resident with a gas odor.

911 Administrator: Bob Palmieri reported that there has been a reassignment of numbers for Stony Brook PDD.

Emergency Management: Bob Palmieri reported that the committee had a great drill with the Stillwater Fire Dept., several other agencies and the Saratoga County Hazardous Response Team. He gave a brief overview of the drill and issues that they addressed and corrected.

Councilman Baker stated that on behalf of his new colleagues they are looking forward to working with the Emergency Management Committee.

**Fiscal Management** (Beth DiCerce)

Beth DiCerce stated that she has submitted an updated report to the Board members.

Supervisor Connors wanted the record to reflect the overtime that the Director of Fiscal Management put in to help prepare for the 2008 budget and the great job that she does monitoring the expenses of the Town.

**Public Input**

Resident I commented on the voucher for \$16,000 for parks and who approved DeGraff to do the work, inquired if the codification would be made available for public inspection or be in electronic format and asked for clarification on the amendment of the grant for the purchase of 5 Campbell Rd.

Supervisor Connors stated that the amendment was submitted and the amendment as submitted was not acceptable to Empire State Development, so they are working with them to resubmit the amendment.

Discussion was held on the amendments as to the timeframe of when the amendments were submitted.

Resident I inquired about the drainage channel that has been installed on the 5 Campbell Rd property.

Supervisor Connors stated that the first purchase of 5 Campbell Rd was to provide some utility for expanding the Multi-Use Trail and the second was to alleviate flooding that has been occurring on private property in the Wetsel Manor neighborhood.

Discussion was held on the cause of the flooding problems that were a problem in the neighborhood.

Attorney Beebe stated that if you go to the internet to General Code all the codes that this company does are put on the internet.

Resident I asked if she would be able to review this entire project on the internet.

Attorney Beebe stated that the review of this project prior to the public hearing will be based on the loose leaf copy made available in the Town Clerk's Office.

Resident II inquired why the Paul F. Lilac Park sign was covered over.

Councilman Petronis stated that the sign had been vandalized. He stated that a new sign would be put up when the park was done.

Resident II asked about the location of Water District #4 ext 1.

Engineer Lanaro stated that it included all of the Revolutionary Heights' property and hooks in off of Kellogg Rd.

Supervisor Connors stated that the Town owns right of way over private property.

Resident III submitted a list of concerns and questions he inquired about from previous meeting. He asked the Town Board when they would like to discuss his concerns, if they would like to discuss his concerns after the meeting tonight.

Supervisor Connors stated that the Town Board was not going to meet privately with him and he would like to look over his submittal before discussing it.

Resident III questioned the condition of Route 4 and if there were any plans to make repairs.

Supervisor Connors stated that the State has no plans to resurface the road due to lack of funding.

Resident III commented on trailers being brought in during the middle of the night and why nothing is being done about this.

Resident IV thanked the three Board members who would be leaving for their dedication, the great job that they have done and moving the Town forward.

Resident V inquired if there was trail money left and stated that he was not happy with the tree planting. He asked if any money was being put to the side to finish off the shrubs that was promised to the residents along the trail.

Supervisor Connors stated that there is a construction contingency were additional landscaping is to be provided. He said that not all the bills are in yet and if called on Monday he would give him what numbers he could.

Councilman Petronis stated that the tree planting is not finished they are just finished for the year.

## **Agenda Items**                      *(Resolution #196)*

*Resolution #196:*                      *Town of Stillwater-Advanced Micro Devices, Inc. Empire Zone*

**Motion** by Councilman Petronis and seconded by Councilwoman Ronda to adopt Resolution #196.

A roll call vote was taken as follows on Resolution #196:

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Ronda	Yes
Councilwoman Winchell	Yes
Supervisor Connors	Yes

**Motion carried.** Resolution #196 was adopted unanimously. (Copy attached and made part of the minutes).

**Audited Claims**

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

General	#518-#534	\$10,463.31
Highway	#515-#549	\$26,106.71
Town Outside	#126-#130	\$12,307.03
Water & Sewer	#77-#86	\$3,369.87
Capital Projects	#73-#78	\$68,215.02
(Sewer District #2, Boilerhouse,)		

A roll call vote was taken as follows:

Councilman Baker	Yes
Councilman Petronis	Yes
Councilwoman Ronda	Yes
Councilwoman Winchell	Yes
Supervisor Connors	Yes

**Motion carried.**

Councilman Baker inquired if they would be holding off on the blacktopping of the trail until the spring.

Supervisor Connors stated that the terms & conditions of the contract are the trail is suppose to be substantially completed, including the blacktop before the end of December. The terms of the contract require the contractor is only able to put the blacktop down when it is forty degrees and rising.

Councilman Petronis requested executive session for litigation.

**Motion** by Councilman Petronis and seconded by Councilwoman Ronda to adjourn into executive session at 8:35 PM. (Litigation) **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk