

**Stillwater Town Board
Business Meeting
December 15, 2011 7:00 PM
Stillwater Town Hall**

Present: **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**

Absent: **Councilman Artie Baker**

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

Sue Cunningham, Town Clerk took the roll call.

Report: Supervisor Kinowski reported on a meeting he had with DOT, Army Corp, Pan Am Railway, Hardigan Associates and Engineer Lanaro regarding the Riverfront Park. There is an opportunity to utilize the park through a wetland mitigation program with no cost to the Town.

Supervisor Kinowski reported that the swearing in ceremony for elected town officials will be 7 PM December 30th at the Stillwater High School Auditorium.

Supervisor Kinowski gave a brief update on Global foundries on production, noise and hiring opportunity to be held sometime in January.

Adoption of Minutes: Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt the minutes of the November 17, 2011 Business Meeting. **Motion carried.**

Agenda Items **(Resolutions #82-#91)**
Resolution #82 **Authorizing the Supervisor to Enter into a Contract with the
Stillwater Area Community Services Center**

Introduced by: _____ Supervisor _____

WHEREAS, the Stillwater Area Community Services Center (hereafter “SACC”) conducts various educational, recreational and social programs for the residents of the Town of Stillwater; and

WHEREAS, the Town of Stillwater owns and maintains the building that houses the SACC; and

WHEREAS, the Town Board has determined that the activities conducted by the SACC are of benefit to the residents of the Town of Stillwater; and

WHEREAS, for the year 2012, the Town Budget appropriates \$125,000.00 for the support of programs provided by and through the SACC; and

WHEREAS, the Attorney for the Town has reviewed the contract between the Town and the SACC to provide for the disbursement of Town funds to the SACC for the year 2012; and

WHEREAS, the Town Board has reviewed the contract and approves of its execution;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to enter into a contract with the Stillwater Area Community Center, Inc. for the distribution of \$125,000.00 of Town funds to the SACC for the year 2012; and be it further

RESOLVED, that the disbursement of funds shall occur contemporaneously with the filing of a quarterly financial and program report by the SACC with the Town Board.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #82 of 2011.

Discussion: A discussion was held on the contract, how the Town Board does not run the Community center and the director works for Community Center Board, amending the contract regarding alcohol being served at events at the discretion of the Town Board. The consensus of the Board was the Town Board would have full review of the contract prior to the Supervisor signing.

A roll call vote was taken on Resolution #82 of 2011 as follows:

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

Motion carried. Resolution #82 of 2011 was adopted unanimously.

Resolution #83 Approving the 2012 Police Chief Contract

Introduced by: _____ Supervisor _____

WHEREAS, the Town's contract with the Police Chief comes up for renewal on January 1, 2012; and

WHEREAS, the Town Board on behalf of the Town's citizens and the Chief have agreed on certain changes to the existing contract as reflected in the attachment hereto;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign the attached contract addendum for the Police Chief's services for the calendar year 2012.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #83 of 2011.

Discussion: A brief discussion was held on salary.

A roll call vote was taken on Resolution #83 of 2011 as follows:

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

Motion carried. Resolution No. 83 of 2011 was adopted unanimously.

Resolution #84 Authorizing the Chief of Police to Hire Officers

Introduced by: Supervisor

WHEREAS, the Town of Stillwater Police Department needs to replace one (1) part-time officer who has left for other employment opportunities; and

WHEREAS, the Police Chief has recommended two candidates, Tom Goodwin and James Trottier;

Now, therefore, be it

RESOLVED, that the Chief of Police is authorized to hire two (2) new part-time officers to replace two (2) part-time officers who have recently left the department for other employment opportunities; and be it further

RESOLVED, that each officer who leaves the Police Department within three (3) years of hire shall reimburse the Town for the cost of uniforms and equipment, which amount shall be prorated based on time employed less than three (3) years and said amount to be deducted in the individual's final pay check, in an amount not to exceed Two Thousand Dollars (\$2,000.00) or Six Hundred Sixty-six Dollars (\$666.00) annually.

Motion by Councilwoman Bruno and seconded by Councilwoman Whitman to adopt Resolution #84 of 2011.

A roll call vote was taken on Resolution #84 of 2011 as follows:

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

Motion carried. Resolution #84 of 2011 was adopted unanimously.

Resolution #85

**Setting a Public Hearing
To Consider Local Law No. ____ of 2012
A Local Law Regulating Off Road Vehicle Use
And Repealing Local Law No. 2 of 1985
And Local Law No. 1 of 2002**

Introduced by: Supervisor

WHEREAS, the Town Board is aware of a need to regulate off road vehicle use within the Town limits for the safety of its citizens, yet realizes that laws requiring registration of such vehicles are hard to administer and those regulating noise are difficult to enforce; and

WHEREAS, the attached Local Law is being considered to regulate off road vehicle use within the Town limits;

Now, therefore, be it

RESOLVED, that the Town Board hereby schedules a public hearing for January 19, 2012 at 7:00 p.m. at Stillwater Town Hall, 66 East Street, Stillwater, New York to consider Local Law # _____ of 2012 regarding regulation of off road vehicle use and to consider repealing Local Law No. 2 of 1985 (Registration) and Local Law No. 1 of 2002 (Noise); and be it further

RESOLVED, that the Town Board elects to exercise the authority it has under the NYS Constitution and MHRL Article 3 to utilize the minimum publication period for Notice of the Public Hearing to five (5) days; and be it further

RESOLVED, that the Town Clerk shall complete and file in the Office of the Town Clerk Affidavits of Posting/Publication/Adoption, respectively, not later than January 19, 2012 and January 24, 2012, respectively.

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the Public Hearing in the Town’s official newspaper.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #85 of 2011.

Discussion: Attorney Trainor stated that he looked at similar laws in similar Towns and combined two present local laws with new local law in order to have one local law on the books which would be enforceable.

Councilwoman Bruno and Councilman Petronis felt that the proposed local law was too restrictive and needed to be defined more.

The consensus was to hold the public hearing and take in consideration the public opinion.

A roll call vote was taken on Resolution #85 of 2011 as follows:

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

Motion carried. Resolution #85 of 2011 was adopted unanimously.

Resolution #86 Setting a Public Hearing to Consider Local Law No. ____ of 2012 A Local Law Amending the Town’s Zoning Code and Amending Local Law No. 1 of 2001 and Local Law No. 5 of 2011

Introduced by: Supervisor

WHEREAS, a need has been identified to clarify the Town’s current Zoning Code language and implementation procedures; and

WHEREAS, the attached proposed Local Law No. ____ of 2012 is being considered to amend the Town’s Zoning Code to allow for these purposes;

Now therefore be it,

RESOLVED, that a public hearing is hereby scheduled for 7:05 p.m. on January 19, 2012 at Stillwater Town Hall, 66 East Street, Stillwater, New York 12170 to consider Local Law No. ____ of 2012 regarding the Zoning Code Changes in the attachment hereto; and be it further

RESOLVED, that pursuant to the authority vesting in the Town Board by virtue of the New York State Constitution and the Municipal Home Rule Law, the Town Board hereby exercises the authority to supersede New York State Town Law Sections 264 and 265 requiring ten (10) days prior publication of the Public Hearing and shortening the period to five (5) days prior to the hearing pursuant to Municipal Home Rule Law Section 20; and be it further

RESOLVED, that the Town Clerk is directed to immediately post and publish the attached Notice of Public Hearing in the Schenectady Gazette or the Mechanicville Express preferably ten (10) days prior to January 19, 2012 but no later than five (5) days prior to January 19, 2012 and to obtain Affidavits of Publication therefore; and be it further

RESOLVED, that the Town Supervisor is hereby directed to mail individual notices of the Public Hearing with a copy of the proposed zoning changes to the Town of Halfmoon Supervisor, Mayor of the City of Mechanicville and Village of Stillwater and to the New York State Parks Commissioner, if any State Parks exist within 500 feet of the area encompassed by the proposed zoning changes, pursuant to Town Law §264 not less than 10 days before the Public Hearing; and be it further

RESOLVED, that the Town Clerk shall complete and file in the Office of the Town Clerk the attached Affidavits of Posting/Publication/Adoption, respectively, not later than January 19, 2012 and January 24, 2012.

RESOLVED, that The Chazen Companies are hereby directed to immediately refer, at least 30 days prior to January 19, 2012, the proposed Zoning Code Amendments to the Town and Saratoga County Planning Boards pursuant to the Town’s Zoning Code and Section 239-m of the General Municipal Law, respectively, for its review and recommendations prior to January 19, 2012; and be it further

RESOLVED, that The Chazen Companies ensure compliance with NYS Agriculture & Markets Law Articles 25-AA, 25-AAA, especially Section 305-a thereto, and also ensure that the requirements of the State Environmental Quality Review Act (“SEQRA”) and complied with.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #86 of 2011.

A roll call vote was taken on Resolution #86 of 2011 as follows:

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

Motion carried. Resolution #86 of 2011 was adopted unanimously.

Resolution #87 Scheduling the Annual Frost Fair

Introduced by: Supervisor

WHEREAS, it has become a tradition in the Town to schedule a Frost Fair in January for Town residents;

Now, therefore, be it

RESOLVED, that the Town Board hereby schedules the Annual Frost Fair on January 28, 2012; and be it further

RESOLVED, that the Town Clerk is authorized to coordinate the event and expend budgeted funds in an amount not to exceed \$1,000.00 for the event.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution # 87 of 2011.

A roll call vote was taken on Resolution #87 of 2011 as follows:

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

Motion carried. Resolution #87 of 2011 was adopted unanimously.

Resolution #88 Adopt the State of New York Deferred Compensation Plan

Introduced By: Supervisor

WHEREAS, the Town of Stillwater wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the “Plan”) for voluntary participation of all eligible employees; and

WHEREAS, the Town of Stillwater is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law; and

WHEREAS, the Town of Stillwater has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Stillwater by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

Now, therefore, be it

RESOLVED, that the Town of Stillwater hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Stillwater are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #88 of 2011.

A roll call vote was taken on Resolution #88 of 2011 as follows:

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

Motion carried. Resolution #88 of 2011 was adopted unanimously.

**Resolution #89 Approving a Contract for
Snow Removal at the Saratoga National Historic Park for 2012**

Introduced by: Supervisor

WHEREAS, as in years past, the Saratoga National Historic Park has asked the Town’s Highway Superintendent to provide snow removal services over the roads located within the National Park from December 1, 2011through April 30, 2012 in accordance with the proposed contract attached hereto; and

WHEREAS, the Highway Superintendant has negotiated a price of \$225.00 per “sweep”;

Now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign the attached agreement with the Saratoga National Historic Park for snow removal at the park entrance road at a price of \$225.00 per “sweep” for the period December 1, 2011, through April 30, 2012.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #89 of 2011.

A roll call vote was taken on Resolution #89 of 2011 as follows:

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

Motion carried. Resolution No. 89 of 2011 was adopted unanimously.

Resolution #90 Adopt Year End Budget Transfers and Corrections

Introduced by: Supervisor

WHEREAS, certain year end budget transfers and corrections to contingent appropriations must be undertaken to maximize the use of 2011 appropriated funds; and

WHEREAS, the Bookkeeper will work with the Supervisor to finalize all transactions for fiscal close-out, insure the necessary transfer and use of unexpended balances to balance the 2011 budget, make corrections to contingent appropriations with the 2011 budget, adjust the distribution of sales tax revenues between B and DB Funds, as required by the board, and encumber the necessary funds to pay unpaid 2011 obligations;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves year end budget transfers, corrections to contingent appropriations and adjustment to the distribution of sales tax revenues; and be it further

RESOLVED, that the Town Board hereby directs the Bookkeeper to work with the Supervisor to make the appropriate transfers and corrections and annotate the same in the Town’s financial records.

Motion by Councilwoman Whitman and seconded by Councilman Petronis to adopt Resolution #90 of 2011.

A roll call vote was taken on Resolution #90 of 2011 as follows:

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

Motion carried. Resolution #90 of 2011 was adopted unanimously.

Resolution #91 Approve the 2012 Police Contract

Introduced by: Supervisor

WHEREAS, the Town’s contract with the Police Officers comes up for renewal on January 1, 2012; and

WHEREAS, the Town Board on behalf of the Town’s citizens and the Police Officers have agreed on certain changes to the existing contract as reflected in the attachment hereto;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign the attached Agreement by and between Stillwater Town Organized Police and the Town of Stillwater.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #91 of 2011.

Discussion: Supervisor Kinowski stated that this is a one year contract for now. Attorney Trainor had concerns with arbitration procedures and suggested that clarification is made. Supervisor Kinowski stated that in the next contract better wording is to be used to clarify his concerns.

A roll call vote was taken on Resolution #91 of 2011 as follows:

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

Motion carried. Resolution #91 of 2011 was adopted unanimously.

Public Input

Coke C. questioned the additional two holidays in the police contract and if they would receive premium pay. Supervisor Kinowski they would only get premium pay if they work and receive nothing additional if they don't work.

John V commented on resolution #85 & #86 regarding timeframe of publications. Attorney Trainor explained that the Town can designate the timeframe for advertising public hearing notices.

Art F questioned the timeframe for advertising in regard to Arvin hart Fire dept. Supervisor Kinowski stated that the Town has no control over the Fire Dept but will look into what their timeframe is suppose to be. Art F questioned resolution #85, #84 in regard to who owns the police guns, #82 in regard to the Village contributing to the community center and the cost for water connection if the proposed water line goes through. Supervisor Kinowski stated that resolution #85 will be decided on by public reaction, the town owns the guns-equipment, the Village gave the community center \$600 and as for the proposed water line cost is yet to be determined by further work needing to be done and more input from future workshops.

Audited Claims

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

General	#384-#403	\$7029.34
Town Outside	#311-#324	\$18370.99
Highway	#455-#479	\$16329.56
Water & Sewer	#68-#70	\$562.96

Motion carried.

Motion by Councilwoman Whitman and seconded by Councilman Petronis to adjourn the business meeting at 8:45 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk

