

**Stillwater Town Board
Agenda Meeting
December 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 Councilman Petronis to adopt the minutes of the November 15, 2012. **Minutes carried.**

Communications: Supervisor Kinowski announced that the re-organizational meeting would be held on January 3, 2013 at 7:00 pm.

Councilwoman Whitman commented on the yellow ribbons entering the Town of Stillwater.

Engineer Lanaro reported that the Town received a revitalization grant for the Town Park at the north end of Town for \$37,500.

Agenda Items Resolutions #103-#116

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolutions #103-#109.

Councilman Baker requested a separate vote on Resolution #105, #107, & #108.

Councilwoman Whitman requested discussion on Resolution #104 & #109.

**Resolution #103 Approving a CSEA Union Contract
 With Highway Employees**

Introduced by: Supervisor

WHEREAS the existing CSEA Union Contract with Highway Employees expires December 31, 2012; and

WHEREAS, the Town and Union representatives have negotiated a new agreement for the period of January 1, 2013 through December 31, 2017, as described in the attachment hereto;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves and authorizes the Supervisor to sign the attached agreement with the Town's Highway Unit of CSEA for the period of January 1, 2013 through December 31, 2017.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #103 of 2012.

A roll call vote was taken on Resolution #103 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES

Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution #103 of 2012 was unanimously adopted.

Resolution #104 Adopting the Audit of the Justice Court

Introduced by: Supervisor

WHEREAS, pursuant to the request of the Office of Court Administration, the Town's Office of Fiscal Management will conduct a financial audit of the Town's Justice Court for the period of August 1, 2008 through July 31, 2012; and

WHEREAS, the Office of Fiscal Management will complete its audit and will submitted its audit report and recommendations to the Town Board not later than March 31, 2013;

Now, therefore, be it

RESOLVED, that the Town Board authorizes the Office of Fiscal Management to conduct the financial audit of the Town Justice Court for the period of August 1, 2008 through July 31, 2012 and to forward the report to the Town Board and the Town Justices not later than March 31, 2013; and

RESOLVED, that the Town Justices are requested to review the audit report and to provide the Town Board with a written response to the audit report and recommendations on or before July 31, 2013.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #104 of 2012.

Discussion: Councilwoman Whitman inquired as to the purpose of this resolution when the Office of Fiscal Management conducted the audit.

Supervisor Kinowski stated that this was just a housekeeping issue.

A roll call vote was taken on Resolution #104 of 2012 as follows:

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

Motion carried. Resolution #104 of 2012 was unanimously adopted.

Resolution #105 Approving a Lease with Roman Catholic Community of All Saints on the Hudson for Town Hall Space

Introduced by: Supervisor

WHEREAS, the Town Court, Town Board and other agencies at Town Hall have experienced safety problems and concerns resulting from inadequate space available to conduct their operations; and

WHEREAS, the Town Supervisor has negotiated a proposed lease for space at St. Paul's Catholic Church from Roman Catholic Community of All Saints on the Hudson to conduct most Town Government operations with the exception of the Highway Department beginning in 2013; and

WHEREAS, the terms of the proposed lease are contained in the attachment hereto;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves of the terms of the attached proposed lease and authorizes the Supervisor to sign the lease on behalf of the Town; and be it further

RESOLVED, that the Supervisor and attorney for the Town be authorized to undertake such actions and sign necessary documents to effectuate the terms of the lease.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #105 of 2012.

Discussion: Councilman Baker stated that he was not happy with the conditions of the lease especially the portion of leasing with giving them the option of use of the building.

Councilman Petronis thought it was just with use of bathrooms on Sundays and the storage room.

Councilwoman Whitman stated that taxpayers have been asking her why they would move into another old building. She stated that she would rather invest in a new building to be built on the old boiler house property.

Councilwoman Bruno was for using the building until able to build new.

Further discussion was held on use of rooms, kitchen, renting, court security and building new.

Councilman Baker stated that at this time he was not ready to vote yes and is not for allowing anyone to use for functions.

Supervisor Kinowski suggested Town Board Members , Dept. Heads go in look over the building, do the site plan approval and they take the additional information before voting.

Councilman Petronis commented on the court issue at hand, stated that he would like to see a new building and would consider tabling resolution until they have more information.

Motion by Councilman Baker and seconded by Councilwoman Whitman to table Resolution #105 until further information is provided. **Motion carried.** Resolution #105 was tabled unanimously. (Roll call was not taken on this Resolution).

**Resolution #106 Authorizing the Supervisor to Sign
An Agreement with National Grid to Allow
For the Installation of Electrical Services
At The Glen Hollow Park**

Introduced by: Supervisor

WHEREAS, the Town desires to install electrical services at the Glen Hollow Park for security and safety purposes; and

WHEREAS, National Grid requires the execution of an agreement for the provision of such electrical service;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign the attached Agreement with National Grid providing for the installation of electrical service to the Glen Hollow Park.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #106 of 2012.

A roll call vote was taken on Resolution #106 of 2012 as follows:

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

Motion carried. Resolution #106 of 2012 was unanimously adopted.

**Resolution #107 Authorizing the Chazen Companies
To Conduct Survey Services on Mitchell Road**

Introduced by: Supervisor

WHEREAS, the Town Board has requested an estimate from the Town's engineers to survey access areas along Mitchell Road for access to the multiuse pathway; and

WHEREAS, The Chazen Companies have provided the attached engagement letter estimating their survey services to cost \$3,400.00; and

WHEREAS, the Town Board finds the estimate to be reasonable for the services to be rendered;

Now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to sign the attached Engagement Agreement Number 29 with The Chazen Companies for land survey services along Mitchell Road at a cost not to exceed \$3,400.00.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #107 of 2012.

Discussion: Councilman Baker inquired if this was for the trail and the reason for this.

Supervisor Kinowski stated that the purpose of the survey was because the road was not where it was supposed to be. It was correcting the property markings.

Discussion was held on highway by use, road ownership, maintenance, deed descriptions, define area to the hydrant and access to the multi-use trail.

A roll call vote was taken on Resolution #107 of 2012 as follows:

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

Motion carried. Resolution #107 of 2012 was unanimously adopted.

**Resolution #108 Authorizing The Chazen Companies
Regarding the Champlain Canal Multi-Use Trail
Professional Services**

Introduced by: Supervisor

WHEREAS, the Town Board has requested an estimate from the Town's engineers with regard to the Champlain Canal Multi-Use Trail; and

WHEREAS, The Chazen Companies have provided the attached engagement agreement estimating their survey services to cost \$24,385.00; and

WHEREAS, the Town Board finds the estimate to be reasonable for the services to be rendered;

Now, therefore, be it

RESOLVED, that the Town Board authorizes the Supervisor to sign the attached Engagement Agreement Number 27 with The Chazen Companies regarding Champlain Canal Multi-Use Trail at a cost not to exceed \$24,385.00.

Motion by Supervisor Kinowski and seconded by Councilwoman Bruno to table Resolution #108.

A brief discussion was held on the location of the trail and parking lot.

A roll call vote was taken on Resolution #108 of 2012 as follows:

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

Motion carried. Resolution #108 of 2012 was unanimously tabled.

Resolution #109 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 2012 appropriated funds; and

WHEREAS, the Office of Fiscal Management 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 2012 budget, make corrections to contingent appropriations with the 2012 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 2012 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 Office Fiscal Management to work with the Supervisor to make the appropriate transfers and corrections and annotate the same in the Town's financial records.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #109 of 2012.

Discussion: Councilwoman Whitman inquired if they would be given the total dollar amount of transfers.

Supervisor Kinowski stated that they would receive a full account of all transfers.

A roll call vote was taken on Resolution #109 of 2012 as follows:

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

Motion carried. Resolution #109 of 2012 was unanimously adopted.

Supervisor Kinowski requested a break in the Resolution that under consideration by the Town Board.

Supervisor Kinowski introduced Madeline Patterson the new Executive Director of the community center.

M Patterson gave a brief overview of the six weeks she has been director. She informed the Board members that they applied for a grant and they are also applying for a grant for a community garden. The community garden will be on land owned partially by the Town and the American Legion. They may also need help clearing the area.

Supervisor Kinowski requested her to bring back to the Town Board a map of the area and something from the American Legion giving permission to use the area.

Supervisor Kinowski recognized a boy scout in attendance that was there just to observe.

Additional Resolutions #110-#116

**Resolution #110 Rescinding Resolution No. 98 and
Accepting Dedication of the Gurba Drive Extension from
Camelot Associates Corporation**

Introduced: Supervisor Kinowski

WHEREAS, Resolution No. 98 of 2012 was proposed for approval at the November 16, 2012 Town Board Meeting and was “Tabled”; and

WHEREAS, Camelot Associates has requested to dedicate a roadway named “Gurba Drive Extension” within the Revolutionary Heights Subdivision to the Town of Stillwater to satisfy a condition of their subdivision approval; and

WHEREAS, the applicant has now substantially complied with the Town’s procedures 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 rescinds Resolution No. 98 of 2012 in its entirety; and be it further

RESOLVED, that the Town accepts the dedication of Gurba Drive Extension in the Revolutionary Heights Subdivision from Camelot Associates Development, LLC subject to the following conditions being met before the filing of the Deed of Dedication:

1. Payment of 2013 Town and County Taxes before January 1, 2013 unless Deed of Dedication is recorded before then;
2. Receipt of pre-paid signed original Fee Title Insurance Policy re-dated as of date Deed of Dedication is recorded;
3. Search by Title Insurance Company for judgments or liens in the name of Camelot Associates Corporation which were, are, or may become encumbrances on the dedicated property or Title Insurance Company’s certificate that there are none; and
4. Removal of Exception No. 9 from Title Insurance Policy after re-dated and certified survey is provided, certified to both the Town of Stillwater and to First American Title Insurance Company, after the completion of Top Course Paving in the Spring of 2013; and be it further

RESOLVED, that the acceptance of this dedication of infrastructure and property shall be subject to the approval of, and conditions required by, the Town Supervisor, and the Highway Superintendent as well as the engineers and attorneys for the Town as they deem appropriate; and be it further

RESOLVED, that the Supervisor is hereby authorized to sign and the attorneys and engineers to the Town are directed to prepare and file all necessary documents to effectuate the transfer of the Gurba Drive Extension.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #110 of 2012.

A roll call vote was taken on Resolution #110 of 2012 as follows:

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

Motion carried. Resolution #110 of 2012 was unanimously adopted.

Resolution #111 Authorizing the Town Board to Create a New Position of Planner for the Building, Planning and Development Department

Introduced: Supervisor Kinowski

WHEREAS, the Town recognizes a need to add a full time Planner position to the Building, Planning and Development Department to meet the needs of current and future Town growth; and

Now, therefore, be it

RESOLVED, that the Town Board has budgeted appropriate funds for the Planner position to the Building, Planning and Development Department and authorizes the creation of the position; and be it further

RESOLVED, that the Town Board hereby request that Saratoga County create the Planner position in the Town of Stillwater.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolution #111 of 2012.

A roll call vote was taken on Resolution #111 of 2012 as follows:

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

Motion carried. Resolution #111 of 2012 was unanimously adopted.

Resolution #112 Regarding Health Insurance for Town Hall Employees

Introduced by: Supervisor

WHEREAS the Town Board has reviewed options under both the Union contract and for other Town employees and has determined that the High Deductible EPO Plan is the most appropriate for all Town employees beginning January 1, 2013. Such healthcare plan is substantially similar to the health insurance plan provided through the current CSEA Union Contract with highway employees; and

WHEREAS, the Plan will provide overall savings to health insurance costs; and

WHEREAS, it is anticipated that dental and optical coverage will become available through CSEA;

Now, therefore, be it

RESOLVED, that that the Town Board hereby approves the provision of the High Deductible EPO Health Insurance Plan to all Town employees beginning January 1, 2013; and be it further

RESOLVED, that the Supervisor is authorized to sign all documents to effectuate the same.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution #112 of 2012.

A roll call vote was taken on Resolution #112 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES

Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion carried. Resolution #112 of 2012 was unanimously adopted.

**Resolution #113 Approving a CSEA Union Contract
 With Highway Employees**

Introduced by: Supervisor

WHEREAS the existing CSEA Union Contract with Highway Employees expires December 31, 2012; and

WHEREAS, the Town and Union representatives have negotiated a new agreement for the period of January 1, 2013 through December 31, 2017, as described in the attachment hereto;

Now, therefore, be it

RESOLVED, that the Town Board hereby approves and authorizes the Supervisor to sign the attached agreement with the Town’s Highway Unit of CSEA for the period of January 1, 2013 through December 31, 2017.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #113 of 2012.

A roll call vote was taken on Resolution No. 113 of 2012 as follows:

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

Motion carried. Resolution #113 of 2012 was unanimously adopted.

Motion to by Councilman Petronis and seconded by Councilwoman Whitman to RESCIND Resolution #113 of 2012.

A roll call vote was taken to RESCIND Resolution #113 of 2012 as follows:

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

Motion carried. Resolution # 113 of 2012 was RESCINDED.

Resolution #114 Awarding the Bid for a Truck for the Highway Department

Introduced by: Supervisor

WHEREAS, competitive bids were solicited and opened at the December 6, 2012, Town Board Meeting for the Town Highway Department’s purchase of a Dump Truck; and

WHEREAS, five (5) bids were submitted and the General Municipal Law requires that the bid be awarded to the lowest most responsible bidder;

Now, therefore, be it

RESOLVED, that the contract for the Town’s purchase of a Dump Truck is hereby awarded to

Morris Ford at the bid price of \$43,991.00; and be it further
RESOLVED, that the Town Supervisor is hereby authorized to enter into an agreement with
Morris Ford for the stated equipment and at the stated price and to disburse the needed funds as
appropriate.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #114
of 2012.

A roll call vote was taken on Resolution #114 of 2012 as follows:

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

Motion carried. Resolution #114 of 2012 was unanimously adopted.

Resolution #115 Approve the 2013 Police Contract

Introduced by: Supervisor

WHEREAS, the Town's contract with the Police Officers comes up for renewal on January 1,
2013; and

WHEREAS, the Town Board on behalf of the Town's citizens and the Police Officers have
agreed on the 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 Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution
#115 of 2012.

A roll call vote was taken on Resolution #115 of 2012 as follows:

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

Motion carried. Resolution #115 of 2012 was unanimously adopted.

**Resolution #116 Adopting Additional Pension Benefits
Of Section 41-j of the NYS Retirement System Amendments**

Introduced by: Supervisor

Now, therefore, be it

RESOLVED, the Town Board of the Town of Stillwater does hereby elect to provide the
additional pension benefits of Section 41-j to all Town Employees of the Retirement and Social
Security Law, as presently or hereafter amended; and be it further

RESOLVED, that the effective date of such shall be the 1st day of January 2013.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #
116 of 2012.

A roll call vote was taken on Resolution #116 of 2012 as follows:

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

Motion carried. Resolution #116 of 2012 was unanimously adopted.

Councilman Baker and Councilman Petronis requested to be notified when Engineer Lanaro goes to the Parish Center to prepare for site plan approval that would need to be done.

Public Input

Marty D inquired about the status of the Camelot sewer connection.

Supervisor Kinowski stated that the work is completed and has been accepted by the County.

The Town needs to maintain for one year than the County takes over.

Attorney Trainor stated that this was a mutual effort and a promissory note by Camelot was due around summer.

Supervisor Kinowski stated that he did not have all the information in front of him regarding this but if anyone wanted to stop by his office he would be glad to go over the information with them.

Coke C stated that he agreed with Councilman Baker regarding the lease with the Parish Center.

Art F inquired if Resolution #103 and Resolution #113 were the same resolution, what they would do with the Town Hall building if they leased the parish center and difference between Highway employees and Town Hall employees.

Supervisor Kinowski stated that we have outgrown this building and it has many faults, the Town has options to sell or lease the building out, and when he came on board the Highway and Town Hall employees were treated differently and with the new personnel policy everyone will be treated equally.

Councilwoman Whitman commented on the present personnel policy that was prepared in 2008. She stated that with this new policy it will cover everyone, there will be no favoritism and it will be followed.

Supervisor Kinowski relooked at the Resolutions #103 & #113 and realized that they were one and the same. (See Resolution #113)

Audited Claims

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

General	#440—455	\$7,806.61
Town Outside	#270--#284	\$15,101.80
Highway	#453--#467	\$7,341.88
Water & Sewer	#51--#54	\$1,439.74
Capital Projects	#4	\$14,450.40

Motion carried.

Motion by Councilman Baker and seconded by Councilman Petronis to adjourn into executive session at 8:45 pm to discuss personnel issues. **Motion carried.** (Note: The Town Board will not enter back into the regular Town Board Meeting).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk