

**Stillwater Town Board
Agenda Meeting/Public Hearing
(LFTCPDD)
September 5, 2013 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
James Trainor, Attorney for the Town
Joe Lanaro, Engineer for the Town
Mark Minick, Supt of Highways

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

Sue Cunningham, Town Clerk took the roll call.

7:00 PM Public Hearing

Purpose: The purpose of the public hearing is to consider the application of Global Foundries US Inc. to further amend the Luther Forest Technology Campus Planned Development District (PDD) of 2004, as amended, to revise the building metrics for a third semiconductor manufacturing facility and to eliminate the Exit 11A requirement by providing alternative mitigation, and to consider the environmental impacts of the project under the State Environmental Quality Review Act (SEQRA)

Attorney Trainor gave a brief overview on the proposed amendments.

Public Input No comments

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing portion of the meeting.

7:05 PM Business Meeting

Adoption of Minutes: **Motion** by Councilman Petronis and seconded by Councilwoman Whitman to adopt the minutes of August 1, 2013. **Motion carried.**

Reports (Town Board & Dept. Heads)

Councilwoman Whitman

Clean-up: Councilwoman Whitman reported that the next clean up would be October 19 and there are a few changes. No tires will be accepted and Freon must be drained from all appliances.

Job Descriptions: Councilwoman Whitman inquired if all town employees have job descriptions.

Supervisor Kinowski stated that they do.

Foundation Grant Money: Councilwoman Whitman inquired if recipients of the grant money have to report back on what the money was used for.

Councilman Petronis

911 Ceremony: Councilman Petronis reported that the 911 ceremony is on Sept 11th, 6:30 PM at the Blockhouse and would be moved to the Community Center in case of rain.

Councilman Baker

Community Center: Councilman Baker reported on repairs made to the community center and is seeking estimates on fixing the leaks in the roof.

Supt of Highways (Mark Minick)

Supt Minick reported on roads that have been completed.

Glen Hollow Park: Supt Minick reported that he has been working with Caterpillar on demonstrating a new machine for vendors up at Glen Hollow Park. In doing this the soccer field is being laid out at no cost to the Town.

Supervisor Kinowski

Vandalism: Supervisor Kinowski reported that cameras would be put up in Glen Hollow Park due to the recent vandalism of burning the port-a-john.

Property Maintenance: Supervisor Kinowski commented on properties that are in disarray. He stated that the building dept. is working hard on cleaning up the areas; it is costly procedure so they have to prioritize the disarrayed properties.

Water District #6: Supervisor Kinowski stated that residents who have concerns on the water line he would like to approach individually and address their concerns/issues. He requested that the Engineer look at issues a resident is having on Elmore Robinson Rd.

Economic Summit Meeting: Supervisor Kinowski stated that the Town Board meeting is the same night as the Economic Summit meeting and asked the Board what their desire was as to rescheduling or canceling the Town Board meeting.

The consensus of the Town Board was to cancel the Town Board meeting.

Executive Session: Supervisor Kinowski requested executive session after the meeting to discuss litigation and a personnel issue.

Agenda Items (Resolutions #91--#93)

The Attorney for Global Foundries requested that the Resolutions be adopted in the following order #92, #93 & #91.

**Resolution #92 Adopt a Statement of Findings
For Certain Amendments to the
Luther Forest Technology Campus PDD**

Introduced by: Supervisor

WHEREAS, the Town Board of the Town of Stillwater ("Town Board") has received from Globalfoundries, U.S., Inc. ("Applicant") an application to amend the Luther Forest Technology Campus Planned Development District ("LFTC PDD") in the Town of Stillwater in anticipation of the Applicant's construction of a semiconductor manufacturing facility to be known as FAB 8.2 within the LFTC PDD (collectively with the amendments to the LFTC PDD, the "Project"); and

WHEREAS, the Project will require the following actions by the Town of Stillwater: (a) approval of amendments to the LFTC PDD, and (b) site plan approval; and

WHEREAS, The New York State Environmental Quality Review Act and its implementing regulations at 6 NYCRR § 617 *et seq* ("SEQRA") require agencies to comply with the provisions of SEQRA before it may undertake, fund or approve any "action" as defined in SEQRA; and

WHEREAS by resolution of February 13, 2013, the Town Board recognized the Town of Malta Town Board as Lead Agent under SEQRA for purposes of the coordinated environmental review of the Project; and

WHEREAS, a joint Public Hearing of the Town Board and the Town of Stillwater Planning Board was held on April 8, 2013 to consider the SEQRA implications of the Project and another Public Hearing was held on September 5, 2013 regarding the proposed Statement of Findings; and

WHEREAS, the Town Board now wishes to state certain findings with respect to the anticipated environmental impacts of the proposed LFTC PDD amendments as contained in the Statement of Findings attached hereto;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board, after due deliberation and based upon the recommendation of its technical advisors, hereby adopts the attached Statement of Findings and Decision, including the certifications required by 6 NYCRR § 617.11(d) which is incorporated and made part of this resolution; and be it further

RESOLVED, that the Town Clerk is hereby directed to file, publish and distribute the Statement of Findings and Decision and any required notices in accordance with 6 NYCRR § 617.12; and be it further

RESOLVED, that this resolution shall take effect immediately.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #92 of 2013.

A roll call vote was taken on Resolution #92 of 2013 as follows:

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

Motion carried. Resolution #92 of 2013 was adopted unanimously.

Resolution #93 Adopt Local Law No. 2 of 2013
A Local Law Amending Local Law No. 3 of 2008

Introduced by: Supervisor

WHEREAS, the Town Board of the Town of Stillwater (“Town Board”) has received from Globalfoundries, U.S., Inc. (“Applicant”) an application to amend the Luther Forest Technology Campus Planned Development District (“LFTC PDD”) in the Town of Stillwater in anticipation of the Applicant’s construction of a semiconductor manufacturing facility to be known as FAB 8.2 within the LFTC PDD (collectively with the amendments to the LFTC PDD, the “Project”); and

WHEREAS, the Project will require the following actions by the Town of Stillwater: (a) approval of amendments to the LFTC PDD, and (b) site plan approval; and

WHEREAS, pursuant to the Town of Stillwater’s Zoning Code, the Town Board referred the PDD amendment application to the Town of Stillwater Planning Board for review and the issuance of either a favorable or unfavorable report to the Town Board; and

WHEREAS, on April 8, 2013, the Town of Stillwater Planning Board submitted a favorable report and recommended approval of the amendments to the LFTC PDD with certain recommendations; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law, the Town Board referred the PDD Amendment application to the Saratoga County Planning Board, which determined that the proposed action does not raise any intercommunity or county concerns; and

WHEREAS, pursuant to SEQRA, the Town Board on September 5, 2013 issued a written statement of its findings; and

WHEREAS, on April 8, 2013 and September 5, 2013, the Town Board held public hearings regarding the final amendments to the LFTC PDD;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board hereby determines that the public has had ample opportunity to comment upon the text of the Local Law; and be it further

RESOLVED, that the Town Board hereby approves Local Law No. 2 of 2013, a local law amending Local Law No. 3 of 2008; and be it further

RESOLVED, that the Town Clerk is directed to file the Local Law with the New York Secretary of State and to take such additional steps as may be required by this resolution or applicable laws; and

RESOLVED, that this resolution shall take effect immediately.

Motion by Councilman Baker and seconded by Councilman Petronis to adopt Resolution #93 of 2013.

A roll call vote was taken on Resolution #93 of 2013 as follows:

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

Motion carried. Resolution #93 of 2013 was adopted unanimously.

**Resolution #91 Authorize the Execution of a
Joint Community Benefit Development Agreement
With Globalfoundries, U.S., Inc.**

Introduced by: Supervisor

WHEREAS, Local Law No. 3 of 2008 of the Town of Stillwater, the Luther Forest Technology Campus Planned Development District, as amended (“LFTC PDD”) at Section 211-166 thereof provides that “[a]ll entities owning or operating nanotechnology manufacturing facilities ... are required to enter into a development agreement with the Town of Stillwater ... [which] development agreement must be in place prior to the issuance of any approvals or permits from the town of Stillwater”; and

WHEREAS, Globalfoundries, U.S., Inc. is the beneficial owner/operator of land with semiconductor manufacturing facilities located within the LFTC PDD; and

WHEREAS, in the future, Globalfoundries, U.S., Inc. may seek site plan approval from the Town of Stillwater in connection with the construction of a semiconductor manufacturing facility to be known as FAB 8.2 with the LFTC PDD; and

WHEREAS, the Town Board of the Town of Stillwater (“Town Board”) and Globalfoundries, U.S., Inc. have undertaken negotiations in order to draft certain terms and conditions in the annexed Joint Community Benefit Development Agreement (“JCBDA”) which shall become effective upon the contingencies contained therein; and

WHEREAS, a Public Hearing was conducted on September 5, 2013 to receive comments from residents regarding the JCBDA; and

WHEREAS, the Town Board, upon consultations with Town Counsel, has reviewed in full the attached JCBDA; now therefore, be it

RESOLVED, that the Town Board finds the attached JCBDA fully meets the terms and conditions of Section 211-166 of the LFTC PDD by satisfactorily providing for the requisite host community benefits; and be it further

RESOLVED, that the Town Board hereby approves the JCBDA, as reflected in the annexed, pursuant to Section 211-166 of the LFTC PDD; and be it further

RESOLVED, that the Town Board grants the Town Supervisor the authority and direction to executed the annexed JCBDA with Globalfoundries, U.S., Inc.

Motion by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #91 of 2013.

A roll call vote was taken on Resolution #91 of 2013 as follows:

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

Motion carried. Resolution #91 of 2013 was adopted unanimously.

Public Input

Jerald O who resides in Malta commented on the progress of the area since Global foundries, who owns Global Foundries, and that the money donated by them is chump change and the Town should negotiate for more to get their fair share.

Art F inquired about the Riverfront Park and Water District #6.
Supervisor Kinowski gave a brief overview of the project going on at the Riverfront Park. Supervisor Kinowski stated that since they have had many meetings, gone over all details of cost and benefits he would rather discuss this one on one if he would.

Audited Claims

General	#323--#344	\$33,394.41
Town Outside	#150--#156	\$6,667.70
Highway	#339--#363	\$150,779.31
Water & Sewer	#49--#50	\$670.00
Capital Projects		\$431.61

Motion carried.

Motion by Councilman Baker and seconded by Councilwoman Bruno at to adjourn into executive session at 7:50 PM to discuss Litigation and Personnel. **Motion carried.** (Note: the Town Board will not resume back into the regular meeting).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk