

**Stillwater Town Board  
November 21, 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  
Mark Minick, Supt of Highways  
James Trainor, Attorney for the Town  
Joe Lanaro, Engineer for the Town**

Supervisor Kinowski called the meeting 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 seconded by Councilman Baker to adopt the minutes of October 17, 2013. **Motion carried.**

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

**Supervisor Kinowski**

**Planning & Zoning:** Supervisor Kinowski stated that Lindsey Zepko, Town Planner has recommended a change in the Planning & Zoning meetings starting the first of the year. This will help streamline resident's projects. The tentative change recommended is zoning will meet on the 2<sup>nd</sup> Monday of the month if necessary with Planning to meet on the 4<sup>th</sup> Monday with the 1<sup>st</sup> Monday as only if needed. The Planning Board was in favor of the change with 1 conflict.

Discussion was held and the 1 conflict would be discussed in executive session. Further discussion was held on D. Osborn's position & pay

**Thanksgiving Food Drive:** Supervisor Kinowski reported the New Country Thanksgiving Food Drive would be held on Saturday morning instead of Friday morning.

**Brown's Beach:** Supervisor Kinowski reported they were moving the time from 8 am to 9am for those who wanted to help with the clean-up work at Brown's Beach.

**Councilwoman Bruno**

**Community Center:** Lorna Duprey is the new executive director of the Community. The Center is currently organizing the Festival of Trees and are seeking donations of holiday decorations. The annual Breakfast with Santa and Town Christmas party will be held on December 14<sup>th</sup>.

**Police Vehicle:** Councilwoman Bruno reported it has been suggested instead of leasing to buy another car they lease to buy a SUV vehicle for winter months.

**Supt of Highway       (Mark Minick)**

Supt Minick reported that the salt is in for the coming winter months.

**Agenda Items                               (Resolution #110-#115)**

**Resolution #110                               Authorizing the Highway Superintendent to  
Waive Penalties and Interest on Water Bill**

Presented By:           Supervisor          

WHEREAS, the Highway Superintendent has reviewed the water bill of Julian Delarosa and has recommended that penalties and interest be waived; and

WHEREAS, the Town Board determines it to be in the best interests of the Town to accept Julian Delarosa’s water bill payment on Account No. 4-0076 without the payment of the normal penalties and interest.

Now, therefore, be it

RESOLVED, that the Town Board hereby waives the penalties and interest and accepts payment on the Julian Delarosa water bill Account No. 4-0076.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #110 of 2013.

A roll call vote was taken on Resolution #110 of 2013 as follows:

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

**Motion carried.** Resolution #110 of 2013 was adopted unanimously.

**Resolution #111        Adopting the Planning Department’s  
Plan for Storm Water Management (MS4 Permit)**

Introduced by:        Supervisor Kinowski

WHEREAS, the Town Board conducted a Public Hearing on November 7, 2013 to consider the Town’s development and adoption of certain plans for storm water management as identified in the attached MS4 Permit; and

Now, therefore be it

RESOLVED, that the Town Board hereby determines that the public has had ample opportunity to comment upon the Town’s plan for storm water management; and be it further

RESOLVED, that the Town Board hereby approves and adopts the plan for storm water management; and be it further

RESOLVED, that this resolution shall take effect immediately.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #111 of 2013.

A roll call vote was taken on Resolution #111 of 2013 as follows:

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

**Motion carried.** Resolution #111 of 2013 was adopted unanimously.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #113 of 2013.

A roll call vote was taken on Resolution #113 of 2013 as follows:

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

**Motion carried.** Resolution #113 of 2013 was adopted unanimously.

**Resolution # 114      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 2013 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 2013 budget, make corrections to contingent appropriations with the 2013 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 2013 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 #114 of 2013.

A roll call vote was taken on Resolution #114 of 2013 as follows:

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

**Motion carried.** Resolution #114 of 2013 was adopted unanimously.

**Resolution #115                      Setting a Public Hearing to  
Consider Local Law No. \_\_\_\_ of 2013 A Local Law  
Amending the Town’s Zoning Code Regarding  
Telecommunication Towers**

Introduced by: Supervisor

WHEREAS, a need has been identified to amend the Town’s current Zoning Code regarding telecommunication towers; and

WHEREAS, the attached proposed Local Law No. \_\_\_\_ of 2013 is being considered to amend the Town’s Zoning Code;

Now therefore be it,

RESOLVED, that a public hearing is hereby scheduled for 7:00 p.m. on December 19, 2013 at Stillwater Town Hall, 881 Hudson Avenue, Stillwater, New York 12170 to consider Local Law No. \_\_\_\_ of 2013 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 Local Law with Notice of Public Hearing in the Schenectady Gazette or the Mechanicville Express preferably ten (10) days prior to December 19, 2013 but no later than five (5) days prior to December 19, 2013 and to obtain Affidavits of Publication therefore; and be it further

RESOLVED, that the Town Clerk shall complete and file in the Office of the Town Clerk Affidavits of Posting/Publication, respectively, not later than five (5) days after the Public Hearing; and be it further

RESOLVED, that The Chazen Companies are hereby directed to immediately refer 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 December 19, 2013; and be it further

RESOLVED, that approval of the Zoning Amendments require the Town Clerk to publish Notice of the Adoption of the Local Law and shall be effective ten (10) days after such publication or immediately on someone personally served with a copy pursuant to Town Law §265.

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

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #115 of 2013.

A roll call vote was taken on Resolution #115 of 2013 as follows:

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

**Motion carried.** Resolution #115 of 2013 was adopted unanimously.

### **Public Input**

Dick D questioned the status of the old Town Hall, if the ice cream shack was coming down up at Brown's Beach and if the sewer pumps were still there.

Supervisor Kinowski stated that several options have been discussed but nothing had been decided on at this point. He stated that the ice cream shack would be taken down and the sewer pumps have been long gone.

Coke C inquired about snow removal and who was responsible for liability if someone got hurt.

Supervisor Kinowski stated that the Town would be responsible unless the church is using parking lot their insurance would kick in. They will be discussing in executive session contracting for plowing the parking lot.

**Audited Claims**

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

General	#437--#450	\$3759.20
Town Outside	#249--#271	\$22197.52
Highway	#429--#450	\$17532.27
Water & Sewer	#67	\$726.14
Capital Projects	#61--#63	\$28291.39

**Motion carried.**

**Motion** by Councilman Baker and seconded by Councilman Petronis to adjourn into executive session to discuss personnel and contracts. **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk