

**Stillwater Town Board
Business Meeting & Public Hearing
Local Law #2 & Water Dist. 5.1
July 21, 2016 7:00 pm
Stillwater Town Hall**

Present: **Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Lisa Bruno
Councilwoman Ellen Vomacka
Supervisor Ed Kinowski**

Also Present: **Sue Cunningham, Town Clerk
Mark Minick, Supt of Highways
Joe Lanaro, Engineer for the Town
James Trainor, Attorney 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.

7:00 PM Public Hearing Local Law #2 - Drainage District

Purpose: To consider Local Law __ of 2016, a local law enacting the Town of Stillwater Subdivision and Planned Development District Law.

Brady Sherlock of Chazen Engineering gave a brief summary of the proposed extension including background, introduction, description, cost summary, and next steps to be taken.

Public Input -- No public comment

With everyone being given the opportunity to comment Supervisor Kinowski closed the public hearing at 7:05 PM.

7:05 PM Public Hearing Proposed Water Dist. 5.1 Extension

Purpose: To receive comment on the proposed Water District No. 5, Ext. No. 1 which consists of all properties immediately adjacent to the water main previously installed by the Village of Stillwater.

Public Input

Coke C inquired on the cost of hook up and material.

B. Sherlock stated that an estimated cost for hook-up fee is approximately \$1500, water main tapping fee is approximately \$1200 and water meter installation is approximately \$350.

Richard D commented on someone who would like to build a home along the proposed water dist. 5.1 extension. The person has all approvals but can't get the loan until there is water to the lot. He feels that politics should be put aside so this person can get his loan and move forward.

Supervisor Kinowski stated no politics involved and they just can't push through, law states what steps need to be taken.

Supt Minick stated that this person just submitted an application for water hook-up last week to the Village.

Supervisor Kinowski stated that he could submit a written request to the village/Town stating that he will be able to connect to water.

Bob Barshied, Planning Board Chairman, commented on the proposed extension and stated that these were his personal views and not of the planning board. His concern was

that what was sold as a transmission line will develop into another growth driver that will significantly and permanently impact the Town's character. He also commented on the Revitalization Plan for the Rt4 Waterfront Corridor the Town & Village are working on and the effect he believes this proposal will have on the Village.

His concerns with the proposed Water District Expansion that relate to the Rt 4 plan as well as broader Town issues in four basic ways as follows:

The growth inducing effects of this water district expansion in the Town along route 76 fly directly in the face of what the Village is attempting to secure from implementation of the Rt 4 Corridor project.

The expansion of this district will encourage high density housing development in the middle of the existing Agricultural District

The proposed district expansion in the Town is in direct opposition to the Vision Statement contained in the Town's Comprehensive Plan which states: "Stillwater aspires to retain and strengthen its rural character, open space resources, and agricultural traditions". Growth in the Town is mandated to be in conformity with the Comprehensive Plan currently in place.

Major water district expansions throughout the Town have progressed in a piecemeal approach and correspondingly environmental issues also have occurred in a piecemeal approach. By doing so the mandated SEQRA review process has been inappropriately segmented rather than undertaken in a comprehensive manor. SEQRA environmental review should include collective impacts of all water projects underway and proposed

John B commented on the proposed extension in regard to Town & Village water contract. He inquired on how the implementation of Water Dist. 6 would affect the Village, how many potential hook ups are there in the proposed extension, and how would meters be installed. He also commented that Saratoga Hills is included in this extension who always paid directly to the Village and feels that it should be left that way. Engineer Lanaro stated that the Town and Village would need to have a water contract and there are approximately 164 potential hook ups.

Supervisor Kinowski stated that he has worked with 2 mayors and indicated that he would work to help relieve the effects water district 6 would have on the Village.

B. Sherlock stated that the water meters would be installed on a case by case basis.

With everyone having the opportunity to comment on the proposed Water Dist. 5.1 extension Supervisor Kinowski closed the public hearing at 7:55 pm.

Agenda Items

Resolutions #49--#59

Resolution #49 Setting a Public Hearing re: the Saratoga Lake Golf Course PDD

Introduced by: _____

WHEREAS, ABD Engineers, LLP has submitted an application on behalf of the Saratoga Lake Golf Club for an amendment to the Saratoga Lake Golf Club PDD; and

WHEREAS, the Town Board referred the planned development district application and amendments to the Town Planning Board for its review and comments prior to considering the PDD amendment for approval;

Now, therefore, be it

RESOLVED, that the application by ABD Engineers, LLP regarding the Saratoga Lake Golf Club Planned Development District Amendment be scheduled for a Public Hearing on August 18, 2016 at 7:00PM at the Town Hall, 881 Hudson Avenue, Stillwater, New York; and be it further

RESOLVED, that the Town Clerk publish appropriate notice of the Public Hearing at least 10 days, but not more than 20 days, prior to the August 18, 2016 Public Hearing.

Motion by Councilman Petronis and seconded by Councilwoman Vomacka to adopt Resolution No. 49 of 2016.

A roll call vote was taken on Resolution No. 49 of 2016 as follows:

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

Motion carried. Resolution No. 49 of 2016 was adopted unanimously.

**Resolution #50 Support of An Application To The Local Waterfront
Revitalization Program (LWRP) By The Town Of Stillwater
Through The 2016 Consolidated Funding Application**

WHEREAS, the Town of Stillwater desires to apply to the New York State Department of State Local Waterfront Revitalization Program (LWRP) for a project that will improve the Town’s Hudson River waterfront; and

WHEREAS, the Town of Stillwater has developed an application to the New York State Department of State Local Waterfront Revitalization Program (LWRP) for the 2016 funding round for the execution of such a project;

NOW, THEREFORE BE IT RESOLVED, that the Town of Stillwater is hereby authorized to file an application for funds from the New York State Department of State Local Waterfront Revitalization Program (LWRP) in support of the construction of wayfinding signage along the Hudson River Waterfront, and a public restroom at the Block House Park within the Town of Stillwater, New York; and be it further

RESOLVED, that the Supervisor be authorized to execute any grant agreements and funding approvals and to take actions necessary to implement the proposed program upon approval from the New York State Department of State Local Waterfront Revitalization Program (LWRP) for the 2016 funding round; and be it further

RESOLVED, that Edward D. Kinowski, Town of Stillwater Supervisor, is the Applicant Contact Person and is authorized to execute all necessary financial and/or administrative processes relating to grant program issues that arise; and be it further

RESOLVED, that upon approval of said grant request, the Town of Stillwater will begin implementation of the project.

OFFERED BY: Councilman Petronis, who moved its adoption.

SECONDED BY: Councilwoman Vomacka to adopt Resolution No. 50 of 2016.

A roll call vote was taken on Resolution No. 50 of 2016 as follows:

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

Motion Carried. Resolution No. 50 of 2016 was adopted unanimously.

**Resolution #51 Establish Escrow Accounts
For Professional Reviews Regarding
The Saratoga Lake Golf Course Planned Development District Amendment, Jib
Drive PDD and the Winding Brook PDD Amendment**

WHEREAS, Saratoga Lake Golf Course, Jib Drive and Winding Brook developers have submitted applications for Planned Development Districts (“PDD”) or Amendments; and

WHEREAS, the projects will require engineering reviews in the form of consulting, construction management, maps, plans and a report and legal services including site plan review, SEQRA analysis, the drafting and review of a Local Law and Development Agreement, all of which are required to be paid for by the applicants;

Now, therefore, be it

RESOLVED, that escrow accounts be established for project related expenses in connection with the Saratoga Lake Golf Course Planned Development District Amendment, Jib Drive PDD and the Winding Brook PDD Amendments for engineering and legal services; and be it further

RESOLVED, that the applicants each deposit into their respective escrow accounts forthwith the initial fees for these services at \$3225.00 for engineering services and \$2625.00 for legal services, and to replenish said amount when either escrow balance falls below \$1,500.00; and be it further

RESOLVED, that the Town Bookkeeper is directed to pay the engineering and legal fees within 15 days of the Town Board’s approval of the vouchers from the Town’s General Fund if sufficient funds are not available in the developers’ respective escrow accounts.

Motion by Councilman Petronis and seconded by Councilwoman Vomacka to table Resolution No. 51 of 2016.

A roll call vote was taken on Resolution No. 51 of 2016 as follows:

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

Motion carried. Resolution No. 51 of 2016 was tabled unanimously.

Resolution #52 Approve the 2016 Police Union Contract with UPSEU

Introduced by: Supervisor

WHEREAS, the Town’s contract with the Police Officers Union came up for renewal on January 1, 2016; and

WHEREAS, the Town Board on behalf of the Town’s citizens and the United Public Service Employees Union (“UPSEU”) on behalf of the Town’s 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 UPSEU and the Town of Stillwater regarding the Town’s Police Department for the period January 1, 2016 through December 31, 2018.

Motion by Councilman Petronis and seconded by Councilwoman Vomacka to adopt Resolution No. 52 of 2016.

A roll call vote was taken on Resolution No. 52 of 2016 as follows:

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

Motion carried. Resolution No. 52 of 2016 was adopted unanimously.

**Resolution #53 SEQRA determination regarding
The Formation of Water District 5 Extension 1**

Introduced by: _____ Supervisor _____

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.7 and has duly considered the Full Environmental Assessment Form prepared by the Chazen Companies and attached hereto; and

WHEREAS, a Public Hearing was conducted at the Town Board meeting on July 21, 2016 at which time the environmental impacts of the project were presented and discussed; and

WHEREAS, the proposed Water District was referred to all the appropriate agencies and has received a favorable review;

Now, therefore, be it

RESOLVED, that the Town Board has determined that the proposed changes constitute an Unlisted Action pursuant to 6 NYCRR Part 617 (SEQRA), has determined that the Town Board should serve as Lead Agency, finds pursuant to the criteria in Part 617.7 that the proposed action will not have an adverse environmental impact and hereby issues a negative declaration.

Motion by Councilman Petronis and seconded by Councilwoman Vomacka to adopt Resolution No. 53 of 2016.

A roll call vote was taken on Resolution No. 53 of 2016 as follows:

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

Motion carried. Resolution No. 53 of 2016 was adopted unanimously.

**Resolution #54 Approving Formation of Extension 1 of Water District #5
Pursuant to Article 12-A of the Town Law
(Subject to Permissive Referendum)**

Introduced by: _____ Supervisor _____

WHEREAS, by Resolution No. 35 of 2016 the Town Board appropriated funds for the preparation of a Map, Plan, Report subject to a Permissive Referendum, and no petition for Referendum has been received after due publication of the Notice of Adoption of Resolution No. 35 of 2016; and

WHEREAS, the Town Board has reviewed the Map, Plan and Report prepared by the Chazen Companies dated June 2, 2016, a copy of which is attached hereto and is on file in the Town Clerk’s Office for public inspection, providing for the establishment of Extension 1 to Water District #5; and

WHEREAS, a Public Hearing was conducted by the Town Board at its regularly scheduled meeting of July 21, 2016 regarding the formation of Extension 1 to Water District #5 pursuant to Article 12-A of the Town Law, as well as the potential environmental impacts of the same, and the public was given the opportunity to comment thereon; and

WHEREAS, the Map, Plan and Report provides a description of the boundaries of Extension 1 to Water District #5, the improvements proposed, the maximum amount to be expended, the proposed method of financing and the environmental significance thereof; and

WHEREAS, by Resolution No. 53 of 2016 adopted on July 21, 2016 the Town Board determined the proposed Extension would not have a significant environmental impact and issued a Negative Declaration;

NOW, therefore be it

RESOLVED that the Town Board makes the following findings and conclusions pursuant to Article 12-A of the Town Law:

1. That the Notice of Public Hearing was published and posted as required by law and is otherwise sufficient;
2. That all the property and the property owners included within the proposed District are benefited thereby;
3. That all the property and the property owners benefitted are included within the limits of the proposed Extension;
4. That the establishment of the District Extension is in the public's interest;
5. That the expenses for the formation of the Extension and the construction of the water improvements, if any, shall be assessed, levied and collected on a benefit unit basis from the parcel owners within the Extension;
6. That the construction of the water system improvements, if any, required for it are hereby approved at a cost to Extension Users for water meters of \$350 and hookup fees of \$1500; and be it further

RESOLVED that the establishment of Extension 1 to Water District #5 is hereby approved, subject to a Permissive Referendum as provided in the New York State Town Law, and the Extension is wholly situated outside of any incorporated Village or City and bounded and described as follows: the 154 parcels generally described as being along Lake Road (CR76), Dunn Road, and Dick Lynch Road and include the Saratoga Hills Mobile Home Park and several properties along Colonial Road, and being more particularly described in the Map and Parcel List in Appendices A + B of the Map, Plan and Report; and be it further

RESOLVED, that the Town Clerk is hereby directed to post and publish a Notice of Adoption of this Resolution, together with a copy of the Resolution, in the Town's official newspaper or a daily newspaper alternative within 10 days after its adoption; and be it further

RESOLVED that the Town Clerk file a Certificate of No Petition for Referendum with the Saratoga County Clerk no less than 30 days, and no more than 40 days, after the Notice of Adoption of Resolution Subject to Permissive Referendum has been posted and published; and be it further

RESOLVED that submission of an application to the State Comptroller is not required as no debt is to be issued or assumed and the cost to the typical property owner within the Extension is estimated at \$488 per year, far below the 2016 Comptroller's threshold requiring Comptroller approval of \$902 per year; and be it further

RESOLVED that within 10 days after the adoption of this Resolution, the Town Clerk shall record with Clerk of the County of Saratoga and file in the Office of the State Comptroller, copies of this Resolution certified by the Town Clerk.

Motion by Councilman Petronis and seconded by Councilwoman Vomacka to adopt Resolution No. 54 of 2016.

A roll call vote was taken on Resolution No. 54 of 2016 as follows:

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

Motion carried. Resolution No. 54 of 2016 was adopted unanimously.

**Resolution #55 SEQRA determination regarding
Local Law No. __ of 2016
A Local Law regarding Drainage Districts**

Introduced by: Supervisor

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in SEQRA 6 NYCRR 617.7 and has duly considered the Full Environmental Assessment Form prepared by the Chazen Companies attached hereto; and

WHEREAS, a Public Hearing was conducted at the Town Board meeting on July 21, 2016 at which time the environmental impacts of the project were presented and discussed; and

WHEREAS, the proposed Local Law was referred to the Saratoga County Planning Board and has received a favorable review on June 17, 2016;

Now, therefore, be it

RESOLVED, that the Town Board has determined that the proposed changes are an Unlisted Action pursuant to 6 NYCRR Part 617(SEQRA), has determined that the Town Board should serve as Lead Agency, finds pursuant to the criteria in Part 617.7 that the proposed action will not have an adverse environmental impact and hereby issues a negative declaration.

Motion by Councilman Petronis and seconded by Councilwoman Vomacka to adopt Resolution No. 55 of 2016.

A roll call vote was taken on Resolution No. 55 of 2016 as follows:

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

Motion carried. Resolution No. 55 of 2016 was adopted unanimously.

**Resolution #56 Adopt Local Law No. __ of 2016
A Local Law regarding Drainage Districts**

Introduced by: Supervisor

WHEREAS, the Town Board after due notice, conducted a Public Hearing on July 21, 2016 to consider Local Law No. __ of 2016, a local law regarding Drainage Districts, a copy of which is annexed hereto and has been on file in the Town Clerk's Office for review and inspection; and

WHEREAS, by Resolution No. 55 of 2016 adopted on July 21, 2016, the Town Board found that the proposed Local Law would not have a significant environmental impact and issues a Negative Declaration; and

WHEREAS, the Town Law §239-m referral to the Saratoga County Planning Board was approved on June 17, 2016;

Now, therefore, be it

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

RESOLVED, that the Town Board hereby adopts Local Law No. __ of 2016, a local law regarding Drainage Districts to be incorporated into the Town Code as an amendment to the Town's Zoning Code; and be it further

RESOLVED, that the Town Clerk shall immediately post and publish Notice of the Adoption of this Resolution in the Express and Gazette within 5 days pursuant to Article 16 of the Town's Zoning Code.; and be it further

RESOLVED, that the Town Clerk shall complete, file and maintain in the Office of the Town Clerk the Affidavits of Posting/Publication and Mailing, and maintain a separate file for these Zoning Code changes; and be it further

RESOLVED, that this resolution shall take effect immediately upon its filing at the New York Department of State or immediately upon a person personally served with a copy after its adoption, whichever is earlier.

Motion by Councilman Petronis and seconded by Councilwoman Vomacka to adopt Resolution No. 56 of 2016.

A roll call vote was taken on Resolution No. 56 of 2016 as follows:

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

Motion carried. Resolution No. 56 of 2016 was adopted unanimously.

Local Law #2 of 2016

A local law TOWN OF STILLWATER SUBDIVISION AND PDD DRAINAGE DISTRICT LAW

Be it enacted by the **Town Board** of the Town of **STILLWATER** as follows:

Section 1. Title.

This chapter shall be cited and may be hereafter referred to as the "Town of Stillwater Subdivision Drainage District Law."

Section 2. Legislative authority, Intent and purpose.

Through prior experience with certain previously established subdivision developments within the Town of Stillwater, and predicated upon engineering advice and legal counsel as well as input from local developers, the Town deems it desirable for the Town Planning Board to require those applicants seeking approval for any major subdivision or Planned Development District ("PDD") that meet qualifying criteria, and for such other subdivisions as may be required, an approved stormwater pollution prevention plan (SWPPP) and the construction of municipal separate storm sewer systems (MS4) infrastructure, and to request, as part of such subdivision application and approval process, that the Stillwater Town Board approve the establishment of a drainage district serving said subdivision. Further, the Town Board believes that such a requirement is in the best interest of the Town as well as the ultimate owners and occupants of premises within said subdivision and PDD's, and that establishment of a uniform procedure to be followed by subdivision developers and applicants also serves to fairly address their needs and concerns with regard to satisfaction of such requirement. For such intent and purpose, the Town Board of the Town of Stillwater deems it appropriate to adopt this

local legislation mandating drainage district application and establishment as part of the subdivision and PDD application process that meet qualifying criteria pursuant to Article 12 or 12-A of the Town Law whereby the Town Board may authorize the establishment of a special district anywhere within the boundaries of the Town of Stillwater and the Town Board may apportion the district costs among all the parcels of land within such drainage district.

Section 3. Establishment of Drainage District in Qualifying Subdivision and PDD's.

The Town Planning Dep't and Planning Board shall henceforth require the establishment of a drainage district as a condition of the approval of any qualifying subdivision and PDD as hereinafter defined. In furtherance of said drainage district establishment, the applicant shall submit a Petition and all other required district formation documents in accordance with pro forma documents provided by the Town, together with the required map, plan and report (MPR) which shall be prepared by or on behalf of the applicant and thereafter subject to review and approval by the Town's Engineer and Attorney as hereinafter provided.

Section 4. Qualifying criteria.

For purposes of the chapter, a "qualifying subdivision" shall be a subdivision which meets one of the following criteria:

- (a) Any major subdivision, requiring post construction stormwater control practices;
- (b) Any PDD, requiring post construction stormwater control practices; and
- (c) Any other subdivision, the development of which may require an approved stormwater pollution prevention plan (SWPPP) and the construction of a significant municipal separate storm sewer systems (MS4) infrastructure. The determination of whether or not the required MS4 infrastructure is "significant" shall be determined by and in the sole discretion of the Town Planning Board.

Section 5. Procedure.

(a) The procedure to be followed in applying for and establishing the required drainage district serving the proposed qualifying subdivision and PDD shall be as follows:

(1) As part of any subdivision application process, and prior to the approval of any site plan or subdivision grading plan or drainage system, the Town Planning Department shall make a determination as to whether or not the proposed subdivision is a qualifying subdivision as hereinabove defined. If the subdivision is not deemed to be a qualifying subdivision, the provisions of this chapter will be inapplicable and the normal subdivision review process will proceed. If, however, the subdivision is deemed to be a qualifying subdivision, the provisions of this chapter shall apply and the application for subdivision approval and drainage district establishment will proceed as hereinafter provided.

(2) The Planning Department shall advise the applicant that the establishment of a drainage district will likely be required as a condition of approval of the proposed subdivision in order that the applicant might make an informed determination as to whether or not to proceed with the application. If the applicant indicated a desire to proceed, the Planning Department shall advise the applicant of its responsibility to prepare and submit to the Town Board a preliminary map, plan and report (MPR) describing the drainage district proposed to be established and otherwise conforming to the requirements of § 192 and other applicable provisions of Article 12-A of the Town Law, with the boundaries of said proposed drainage district to be coincident with those of the proposed subdivision. The applicant shall be additionally advised of its obligation to prepare and submit to the Town Board a NYSDEC short environmental assessment form (EAF) describing the anticipated environmental impact of the proposed drainage infrastructure and district. The Planning Department shall also refer the subdivision application and all plans and documents to the Town Board together with the Planning Department's written determination that the proposed subdivision has been deemed to be a qualifying subdivision as herein defined.

(3) Upon receipt of the aforesaid referral from the Planning Department and the preliminary MPR and short form EAF from the applicant, the Town Board shall direct the Engineer for the Town and the Attorney for the Town to undertake the following tasks with regard to the preparation, review and/or approval of the following documents required for formation of the drainage district:

(a) The Attorney for the Town shall prepare a petition executed by the owner(s) of taxable real property owning at least half of the value of taxable real property within the proposed drainage district and otherwise conforming to the requirements of § 191 and other applicable provisions of Article 12 of the Town Law. The petition shall contain an express statement that the improvement(s) in the proposed drainage district shall be

constructed at the expense of the petitioning owner(s) of taxable real property in the proposed district.

The Attorney and the Engineer for the Town shall review the preliminary map, plan and report submitted by the applicant and advise the applicant of any required revisions thereto. At such time as the MPR shall meet with the approval of the Town Attorney and Town Engineer, it shall be appended to the petition and submitted to the Town Board. The Engineer and Attorney for the Town shall also review and assist the Town Board in its review, completion and action on the NYSDEC short environmental assessment form (EAF) submitted by the applicant in accordance with the applicable requirements of SEQRA.

(4) The Petitioner shall thereafter execute the Petition and the approved MPR and short EAF and file same with the Stillwater Town Clerk, who shall then submit such documents to the Stillwater Town Board.

(5) The Town Board shall then send the short EAF to all involved regulating agencies for review.

(6) The Town Board shall then adopt and enter an order reciting those matters set forth in § 193 of the Town Law, including specifying the time and place when the Town Board will meet to consider the petition and to hear all persons interested in the subject thereof concerning the same. Said notice of public hearing on the proposed drainage district establishment shall be published and posted in accordance with § 193 (1)(a) of the Town Law. (7) There shall be full compliance with the requirements of § 193 of the Town Law, including, if required, application for permission of the State Comptroller for the establishment of the proposed drainage district.

(8) The Town Board shall declare itself lead agency for SEQRA review and conduct the noticed public hearing on the proposed drainage district establishment and the required SEQRA environmental review.

(9) Following the noticed public hearing, the Town Board shall make a determination of SEQRA environmental significance.

(10) Also following the noticed public hearing, the Town Board shall, by resolution, make the determinations set forth in § 193 of the Town Law and, based thereon, shall adopt an order approving or disapproving the proposed district establishment.

(11) The Town Clerk shall, within 10 days of the adoption of the order establishing the drainage district, cause a certified copy thereof to be filed in the office of the Saratoga County Clerk and shall also cause a certified copy thereof to be filed in the office of the State Department of Audit and Control in Albany, New York.

(12) At the applicant's option, it may either await the formation of the required drainage district before proceeding with the normal processing of the application for subdivision approval or it may, at its own discretion and risk, proceed with the subdivision approval processing by the Planning Board concurrently with the Town Board proceedings for establishment of the required drainage district. In either event, no final approval of the subdivision application, conditional or otherwise, may be rendered by or obtained from the Planning Board unless and until the required drainage district has been finally established.

(b) Alternative procedure (Article 12-A of the New York State Town Law)

An alternative procedure to be followed when applying for and establishing a required drainage district serving the proposed qualifying subdivision shall be as follows:

(1) The developer by letter may request that the Town Board undertake the establishment of the required drainage district on its own initiative under the procedure set forth in New York State Town Law Article 12-A at the developer's cost for all required construction expenses, legal fees and engineering services involved.

(2) Should the developer choose this alternative method of forming the required drainage district, an estimate of the legal and engineering services shall be provided to the developer and the cost thereof shall be deposited in an Escrow fund with the Town to pay for the anticipated services and shall be replenished as necessary.

(3) In addition, the developer shall provide the Town with the map, plan and report (MPR), including any required mapping or surveys, and environmental assessment form ("EAF") provided for above.

(4) The Town Board, with the assistance of the engineers and attorneys for the Town, will utilize a procedure set forth in New York State Town Law Article 12-A to develop, consider and ultimately adopt a resolution establishing a drainage district around the proposed subdivision and, where required, subject to the approval of the New York State Comptroller.

Should Section 12 from above be added?

Section 6. Fees and Deposits.

The following fees, deposits and security, which are in addition to any such charges assessed as part of the normal subdivision and PDD application process, shall be required as part of the drainage district establishment provided for herein.

(1) At the time of the applicant's submittal of the drainage district petition it shall be accompanied by a check payable to the Town of Stillwater in the amount of \$3,000 to cover the Town's legal and administrative costs. In addition, the applicant shall be liable for the actual costs of any notice, publication and recording fees, as well as for any engineering and similar consulting fees reasonably incurred by the Town in reviewing the MPR, coordinating the environmental review process and otherwise providing needed services relating to the proposed drainage and the improvements therein. Said engineering costs shall be estimated by the Town Engineer at the time of the applicant's initial submission of the proposed MPR and short form EAF, and such estimate shall be submitted to the Town Board, which will require same to be placed in escrow by the applicant. The actual engineering costs incurred by the Town will thereafter be drawn from said escrow funds. Any balance remaining shall be refunded to the applicant, and any costs exceeding such estimate shall be billed to the applicant. At any time that anticipated costs exceed the escrow balance, the Town Board may require that the applicant make additional payment to increase the escrowed amount.

(2) In addition to the above deposit, the Town Board shall establish an amount to be paid to the Town to be deposited in the new drainage district's account to secure the initial costs of the district, which amount is hereby set at \$1,000 for each lot in the proposed subdivision, but which may be hereafter modified by resolution of the Town Board. In any event, half of such amount, together with the entirety of the deposits set forth in Subparagraph (1) of this Section 6, must be received by the Town before the Town Board adopts a final order establishing the drainage district. The remaining half of the cost per lot shall be payable by the applicant at the time of application for a building permit for construction on said lot or upon said applicant's transfer of title to the unimproved lot to another owner, whichever shall first occur. I'm not a big fan of this process as it becomes a procedural nightmare to keep track of in the future. I believe the entirety should be funded at subdivision approval and before stamping as we do with the GEIS fees.

Section 7. Funding of drainage district; notice to subsequent grantees.

The costs of continued operation and maintenance of the proposed drainage district shall be borne by the ultimate owners of the parcels of property within said drainage district and shall be assessed, levied and collected on a benefit assessment basis, with said charge to appear as a special assessment charge on said property owners' annual tax bills. In order to fully inform and protect prospective purchasers of lots in the subdivision, the applicant is hereby required to disclose the existence of the drainage district and the proposed drainage district charges in any prospectus and in any marketing literature. Further, every deed of conveyance shall expressly reference the inclusion of the conveyed property in the drainage district and the individual property owner's responsibility for sharing in the special assessment charge associated therewith.

Section 8. Severability.

If any section or provision of the local law should be determined by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such determination shall not affect the validity of this local law as a whole or of any part of the local law other than the section or provision so declared to be unconstitutional or invalid.

Section 9. Effective date and applicability.

This local law shall take effect immediately upon filing with the department of state. It shall apply to all subdivision applications which shall not have received final Planning Board approval prior to said effective date.

Resolution #57 Approving a Sale Contract on the Old Town Hall

Introduced: Supervisor Kinowski

WHEREAS, the Town Board has decided that the old Town Hall located at 66 East Street in the Town of Stillwater is surplus and should be sold or leased; and

WHEREAS, despite diligent efforts, the Town has been unable to sell the property at or near its appraisal value; and

WHEREAS, the Supervisor has received a signed purchase offer and earnest money deposit on the old Town Hall building from Kirk Haner for a purchase price in the amount of \$110,000; and

WHEREAS, the property has been rezoned to permit the intended use;

Now, therefore, be it

RESOLVED, that the old Town Hall building located at 66 East Street be declared surplus to the needs of the Town or its residents; and be it further

RESOLVED, that the Town Board has duly deliberated on what purchase price and terms to accept for the sale of the building, considering the age of the structure, the substantial costs to heat, cool, repair and maintain the building year-round, and has determined it to be in the best interests of the Town residents to accept a below-market-value unconditional cash purchase offer in order to eliminate the property’s carrying costs and return it to the property tax roll as soon as possible; and be it further

RESOLVED, that the Supervisor is hereby authorized to sign a contract with Kirk Haner for the sale of Old Town Hall, subject to a Permissive Referendum, in the amount of \$110,000.00 in accordance with the attached contract; and be it further

RESOLVED, that the Town Clerk is hereby directed to post and publish a Notice of Adoption of this Resolution, together with a copy of the Resolution, in the Town’s official newspaper or a daily newspaper alternative within 10 days after its adoption; and be it further

RESOLVED that the Town Clerk file a Certificate of No Petition for Referendum with the Saratoga County Clerk no less than 30 days, and no more than 40 days, after the Notice of Adoption of Resolution Subject to Permissive Referendum has been posted and published; and be it further

Motion by Councilman Petronis and seconded by Councilwoman Vomacka to adopt Resolution No. 57 of 2016.

A roll call vote was taken on Resolution No. 57 of 2016 as follows:

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

Motion carried. Resolution No. 57 of 2016 was adopted unanimously.

**Resolution #58 Declaring Highway Equipment Surplus and
 Authorize the Highway Superintendent
 to Conduct an Auction for Surplus Equipment**

Introduced by: Highway Superintendent

WHEREAS, the Highway Superintendant has declared that the following equipment has no further useful life to the Town Highway Department and therefore declares it to be “surplus” to the Town: Ford E350 – Utility Body, VIN#1FDSE35L23HB01394; and

WHEREAS, in accordance with State Law and the Town’s Procurement Policy, the surplus town equipment should be sold to the highest bidder at public auction;

Now, therefore, be it

RESOLVED, that the Ford E350 – Utility Body, VIN#1FDSE35L23HB01394 is hereby

declared surplus and the Highway Superintendent is authorized to conduct an auction for the sale of the surplus equipment to the highest bidder.

Motion by Councilman Petronis and seconded by Councilwoman Vomacka to adopt Resolution No. 58 of 2016.

A roll call vote was taken on Resolution No. 58 of 2016 as follows:

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

Motion carried. Resolution No. 58 of 2016 was adopted unanimously.

Resolution #59 Budget Adjustments

WHEREAS, Colleen Zabielski, Director of Fiscal Management has recommended that the following budget transfers be accomplished:

Increase:		Increase:	
A3830 Police Grants	\$10,000.00	A3120.21 Police Equipment	\$10,000.00
B2115 Planning Fees	\$2,000.00	B3620.2 Building Dept. Equipment	\$2,000.00
B2115 Planning Fees	\$10,000.00	B7140.4682 Brown’s Beach	\$10,000.00

RESOLVED, that the above Budget Adjustment is hereby approved.

Motion by Councilman Petronis and seconded by Councilman Baker to adopt Resolution No. 59 of 2016.

A roll call vote was taken on Resolution No. 59 of 2016 as follows:

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

Motion carried. Resolution No. 59 of 2016 was adopted unanimously.

Public Input

Coke C inquired about Resolution #57 and its intended use.
Supervisor Kinowski commented it could be used as professional offices, 4-6 apts., daycare, etc. they would have to go by zoning codes in that area.

Ann Marie H inquired if they could say what the old Town Hall is going to be used for.
Supervisor Kinowski stated that he had no idea but they will have to come before zoning board.

Supervisor Kinowski commented on a PDD application for Jib Drive that has been submitted to the Town Board. He stated that they are still reviewing, getting opinions and it will be discussed at the next Town Board meeting.

Audited Claims

Audited claims 07/07/2016

General	\$22,645.65
Town Outside	\$16,949.41
Highway	\$8540.51
Water & Sewer	\$840.43
Capital Projects	

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to pay the.

General	\$10,490.16
Town Outside	\$10,438.27
Highway	\$3203.60
Water & Sewer	\$14.97
Capital Projects	\$4931,.35

Motion carried.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adjourn the Town Board meeting at 8:20 PM.

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk