

**Stillwater Town Board Meeting
September 20, 2018 7:00 pm
Stillwater Town Hall**

Present: **Councilman Chris D'Ambro
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**

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.

Adoption of Minutes: **Motion** by Councilwoman Vomacka and seconded by Councilman D'Ambro to adopt the minutes of the August 16, 2018 meeting. **Motion carried.**

Agenda Items **Resolutions #68--#80**
Councilwoman Bruno requested a separate vote on Resolutions #71 & #73.

**Resolution #68 Declare Vehicles and Equipment as
Surplus and Authorize the Sale of Surplus Vehicle and Equipment**

WHEREAS, the Supervisor states that the following equipment:

1. 2007 Chevy Suburban
2. 20# 2003 Ford 350 Pickup with Plow
3. #9 2005 Chevy 17500GVW Dump with Plow
4. #14 1989 Ford L 8000 Dump
5. Miscellaneous Tires
6. 1994 Trail King 20 Ton Trailer
7. Honda Generator EB 5000
8. Street Saw Clipper

has no further useful life to the Town Highway Department and therefore recommends that it be declared it to be "surplus" to the Town; and

WHEREAS, in accordance with State Law and the Town's Procurement Policy, the surplus town equipment should be sold to the highest bidder or another municipality;

Now, therefore be it

RESOLVED, that the above listed items are declared surplus and the Supervisor is authorized to sell the surplus equipment to the highest bidder at public auction or to another municipality for reasonable value.

Motion by Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution No. 68 of 2018.

A roll call was taken on Resolution No.68 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT

Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 68 of 2018 was adopted unanimously.

Resolution #69 Approve Leasing a Police Vehicle

Introduced by: Supervisor

WHEREAS, the leasing of a vehicle by a municipality constitutes a “installment contract” under NY General Municipal Law §109-b and as such requires that public bidding requirements of NY General Municipal Law §103 be observed unless the lease is from a state bid contract; and

WHEREAS, the Police First Sergeant has identified the need for a new police car and has identified a 2019 Ford Police Interceptor Utility from the state bid contract at a total lease price of \$46,093.88; and

WHEREAS, the term of the installment contract will not exceed the five-year period of probable usefulness for a motor vehicle in accordance with the requirements of Local Finance Law §11.00; and

WHEREAS, the Supervisor recommends entering into a three-year lease agreement with Ford Motor Credit for three annual lease payments of \$16,646.21, which includes interest at an annual rate of 7.25% with \$545.00 added to the first payment for underwriting fee; and

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a three-year automobile lease agreement with Ford Motor Credit for a new 2019 Ford Police Interceptor Utility, identified from the state bid contract, which calls for three-annual payments of \$16,646.21 with \$545.00 added to the first payment for underwriting fee; and be it further

RESOLVED, that the installment lease contract shall separately state the principal and interest component of the periodic payments to be made thereunder in accordance with NY General Municipal Law §109-b; and be it further

RESOLVED, that the installment lease contract shall contain the following clause in accordance with NY General Municipal Law §109-b:

“This contract shall be deemed executory only to the extent of monies appropriated and available for the purpose of the contract, and no liability on account thereof shall be incurred by the political subdivision beyond the amount of such monies. The installment lease contract is not a general obligation of the Town of Stillwater. Neither the full faith and credit nor the taxing power of the Town of Stillwater is pledged to the payment of any amount due or to become due under such installment lease contract. It is understood that neither this contract nor any representation by any public employee or officer creates any legal or moral obligation to appropriate or make monies available for the purpose of the contract.”

Motion by Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution No. 69 of 2018.

A roll call was taken on Resolution No.69 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT

Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 69 of 2018 was adopted unanimously.

**Resolution #70 Accept Proposed Settlement
Of Baxter Tax Protest**

Introduced by: Supervisor

WHEREAS, Rory Baxter, the owner of 3A Make Your Own Way, challenged the 2017 and 2018 assessment on the property; and

WHEREAS, the property was assessed for \$474,300, which equals a full fair market value of \$524,088; and

WHEREAS, the Town appraisal determined the fair market value of \$450,000; and

WHEREAS, Baxter's appraisal determined the fair market value of \$350,000; and

WHEREAS, Baxter's offer a settlement of \$405,000 as the fair market value, which results in an assessment of \$366,525; and

WHEREAS, the reduction in assessment from \$474,300 to \$366,525 is \$107,775; and

WHEREAS, the impact of the reduction in the assessment is approximately \$350 for the Town, \$250 for the Fire Department, \$1,100 for the County, and \$4,800 for the School; and

WHEREAS, if the matter proceeded to trial and the Town's appraisal value prevailed, the reduction of the assessment would be \$40,725 less than the settlement value, which would save the Town \$130, the Fire Department \$95, the County \$418, and the School \$1,824; and

WHEREAS, this potential saving is outweighed by the cost and uncertainty of litigation.

Now therefore, be it

RESOLVED that the Town Board hereby authorizes the Supervisor to finalize and accept the settlement and sign any documents necessary to effectuate the same for the lawsuit brought by Baxter against the Town challenging his 2017 and 2018 property tax assessments.

Motion by Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution No. 70 of 2018.

A roll call was taken on Resolution No.70 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 70 of 2018 was adopted unanimously.

Resolution #71 Designating Holidays For Town Employees

WHEREAS, the Town Board wishes to amend the previously published holiday schedule to allow more flexibility for Town employees; and

Now, therefore, be it

RESOLVED, that the Town Board hereby amends the 2018 and future Town holiday schedule to make Martin Luther King Jr. Day in January a floating holiday with Christmas Eve in December in order to allow Town employees to choose to take either of those holidays off from work but not both.

Motion by Councilwoman Bruno and seconded by Councilwoman Vomacka to adopt Resolution No. 71 of 2018.

A roll call was taken on Resolution No.71 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	NO
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 71 of 2018 was adopted by a 3 to 1 vote.

**Resolution #72 Authorizing Reimbursement of Fees Paid
Due to Cancellation of Use of Pavilion & Kitchen**

Introduced by: Supervisor

WHEREAS, Dominick Fruci paid \$75.00 towards the use of the pavilion and kitchen at Glen Hollow on July 1, 2018; and

WHEREAS, Mr. Fruci had to cancel his intended use of the pavilion and kitchen;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the reimbursement of \$75 to Dominick Fruci for the cancellation of use of the pavilion and kitchen at Glen Hollow Park on July 1, 2018.

Motion by Councilwoman Bruno and seconded by Councilman D’Ambro to adopt Resolution No. 72 of 2018.

A roll call was taken on Resolution No.72 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	YES
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 72 of 2018 was adopted unanimously.

Resolution #73 Service of Alcohol at the SACC

Introduced by: Supervisor

WHEREAS, the Stillwater Area Community Center (“SACC”) has requested the Town’s permission to serve alcohol at an event to be held on November 2, 2018; and

WHEREAS, the Town Board wishes to ensure that appropriate protections are in place before granting such authority on Town owned property;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the SACC to serve alcohol on the Town premises at the Stillwater Area Community Center at an event to be held on November 2, 2018, under the follow conditions and restrictions:

- 1. No one under the legal age limit of 21 years old will be served any alcohol;
- 2. No one who is visibly intoxicated will be served any further alcohol;
- 3. Anyone who appears even slightly intoxicated, or whose ability to drive in any way appears to be impaired by alcohol, will not be permitted drive a vehicle on or from the premises;
- 4. The SACC will sign a Indemnification Agreement holding the Town harmless from any property damages or personal injuries arising out of its service of alcohol on the Town’s property; and
- 5. The SACC will provide the Town with a certificate of liability insurance in a coverage amount of no less than \$1,000,000.00 listing the Town of Stillwater as an additional insured.

Motion by Councilman D’Ambro and seconded by Councilwoman Bruno to adopt Resolution No. 73 of 2018.

A roll call was taken on Resolution No.73 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	NO
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 73 of 2018 was adopted by a 3 to 1 vote.

**Resolution #74 Adoption of Local Law No. 5 of 2018,
A Local Law Amending Chapter 210 Attachment 1,
Table 1 “Summary of Allowed Uses”**

Introduced by: _____ Supervisor _____

WHEREAS, Local Law No. 6 of 2018, attached hereto, proposes to amend Chapter 210, Attachment, 1, Table 1 “Summary of Allowed Uses” was adopted on August 16, 2018; and

WHEREAS, after adoption, the proposed Local Law Amending Chapter 210 Attachment 1, Table 1 “Summary of Allowed Uses” should have been numbered as Local Law No. 5 of 2018; and

WHEREAS, at least one public hearing was held regarding the proposed amendment in a duly noticed Public Hearing on the final version of proposed Local Law at the regularly-scheduled Town Board meeting of July 19, 2018; and

WHEREAS, pursuant to 6 NYCRR §617.5 (a) and (c)(20) and (27), the Town Board’s consideration and adoption of legislative changes is a Type II Action and is not subject to review under SEQRA;

Now, therefore, be it

RESOLVED, that pursuant to the Town Board’s authority under NYS Town Law §261-C and Municipal Home Rule Law §10, the proposed Local Law No. 5 of 2018, Amending Chapter 210 Attachment 1, Table 1 “Summary of Allowed Uses’, is hereby adopted; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish a descriptive notice of the adoption of the Local Law No. 5 of 2018 within 5 days of its adoption by the Town Board; and be it further

RESOLVED, that the Town Clerk is hereby directed to file a Certified Copy of Local Law No. 5 of 2018 with the New York State Department of State within 20 days of the date of its adoption by the Town Board; and be it further

RESOLVED, that the Director of the Department of Building and Planning shall file a copy of the Local Law No. 5 of 2018 with the Town and County Planning Boards; and be it further

RESOLVED, that the Town Clerk shall attach a copy of Local Law No. 5 of 2018 to the minutes of this Town Board meeting.

Motion by Councilwoman Bruno and seconded by Councilman D’Ambro to adopt Resolution No. 74 of 2018.

A roll call was taken on Resolution No.74 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	YES
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 74 of 2018 was adopted unanimously.

Local Law #5

Local Law Amending
Chapter 210 Attachment 1, Table 1
“Summary of Allowed Uses”
[Adopted 12-20-2001 by L.L. No.
1-2001]

1. The purpose of this Local Law is to amend the Town’s Zoning Code to restore Places of Worship as an Allowed Use subject to Site Plan Approval in all Zoning districts in the Town of Stillwater (“Town”) as a function of the Town Board’s authority under §265 of the Town Law of the State of New York.
2. The following amendments are made to the following Sections of Town Code
Chapter 210 Attachment 1, Table 1 “Summary of Allowed Uses as provided in the attachment hereto”
 - a. 210 Attachment 1:2, Section “Civic,” Subsection, “Place of Worship”
shall be amended to be an Allowed Use subject to Site Plan Approval within Traditional Zoning Districts R-R, LDR, RRD, B-1, BP, ID, R67, and R67 West as well as in the T2, T3N, T3G, T4 and T5 Transect Zones.

This Local Law shall be effective upon its filing with the New York Secretary of State or upon the date of its personal service on any individual.

Resolution #75

Budget Adjustments

WHEREAS, Anne Marie Hallum, Director of Fiscal Management has recommended that the following budget transfers and adjustments be accomplished:

BUDGET IMPACT STATEMENT: as stated above		
Account No. Description	Amount	
BUDGET TRANSFERS		
B1440.444 Attorney Fees	8000.00	To cover additional attorney fees
B1440.443 Engineering Fees	-8000.00	To cover additional attorney fees
B9950.9 Transfer to capital projects	22000.00	To cover Chazen bills for Brown’s Beach pavilion And revitalization plan
Fund balance	-22000.00	To cover Chazen bills for Brown’s Beach pavilion And revitalization plan
Transfer \$22,000.00 to capital projects		
A1315.4 Fiscal Mgt Contractual	1200.00	To cover fiscal advisor’s filing invoice
A1620.41 Buildings	-1200.00	To cover fiscal advisor’s filing invoice
A1680.4 Central Data Processing	2800.00	Monies to cover TV in board room
A1620.41 Buildings	-2800.00	Monies to cover TV in board room
SW8340.461 Water trans & Distrib #1	3100.00	Adjustment budget for dist 1
SW8320.460 Water Sources Dist 1	-3100.00	Adjustment budget for dist 1
SS8110.100 Sewer personal service	4.00	To correct overspent account
SS8110.41 Sewer contractual	-4.00	To correct overspent account
BUDGET INCREASE		
A1081 Payment in lieu of taxes	2300.00	Decresente payment in lieu of taxes
A1330.100 Tax Collector Pers Serv	300.00	To cover training from Anne R. to Daniel new tax Collector
A1330.4 Tax Collector Contractual	2000.00	To cover conferences to NYC and Lake Placid
B2706 Grants	23309.64	Grants for Riverside Trail
B2771 Browns Beach Revenue	4100.00	Monies collected over budgeted amount
B9950.9 Transfer to Capital Projects	27409.64	Grants for Riverside Trail
Transfer 27409.64 to Capital Projects		

RESOLVED, that the above Budget Transfers and Adjustments are hereby approved.

Motion by Councilwoman Bruno and seconded by Councilman D’Ambro to adopt Resolution No. 75 of 2018.

A roll call was taken on Resolution No.75 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	YES
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 75 of 2018 was adopted unanimously.

**Scheduling a Public Hearing
Regarding Local Law No. ____ of 2018
Regarding Solar Local Law**

Introduced by: Supervisor

WHEREAS, the Town has identified a need for Amendments to the current Solar Local Law; and

WHEREAS, a local law has been proposed to amend certain sections of the Solar Local Law, and a copy of the proposed Local Law is attached hereto showing the proposed language;

Now, therefore, be it

RESOLVED, that a Public Hearing be scheduled regarding Local Law No. _____ of 2018, a Local Law regarding Solar Local Law on November 1, 2018 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 November 1, 2018 Public Hearing; and be it further

RESOLVED, that the Town Clerk make the proposed Local Law Available at her office for public inspection during normal business hours.

Motion by Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution No. 76 of 2018.

A roll call was taken on Resolution No. 76 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 76 of 2018 was adopted unanimously.

**Resolution #77 Setting a Workshop and Public Hearing
Regarding and 2019 Budget and
Cancelling the October 18, 2018 Town Board Meeting**

Introduced by: Supervisor

WHEREAS, Supervisor Kinowski has recommended that a Workshop and Public Hearing be set for discussing and taking public input on the proposed 2019 Budget; and

WHEREAS, the Mechanicville-Stillwater Business Economic Summit is scheduled for October 18, 2018;

Now, therefore, be it

RESOLVED, that Budget Workshop is hereby scheduled for 6:00 pm on Monday, October 15, 2018 at Town Hall; and be it further

RESOLVED, that a public hearing is hereby scheduled for Thursday, November 1, 2018, at 7:05 p.m. at Town Hall 881 Hudson Avenue, Stillwater, New York, to receive comments from the public regarding the proposed 2019 Budget; and be it further

RESOLVED, that due to the scheduling conflict with the Mechanicville-Stillwater Business Economic Summit, the regularly scheduled October 18, 2018 Town Board Meeting is hereby cancelled so Town Board Members can attend the Summit and

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 78 of 2018 was adopted unanimously.

**Resolution #79 Reappointing Francis Zagorski as Chairman
to the Board of Assessment Review (BAR)**

Introduced by: Supervisor

WHEREAS, Francis Zagorski has previously been appointed Chairman to the Board of Assessment Review with a term ending on September 30, 2018; and

WHEREAS, the Town Board wishes to reappoint Mr. Zagorski as Chairman for another term on the Board of Assessment Review;

Now, therefore, be it

RESOLVED, the Town Board hereby reappoints Francis Zagorski as Chairman to the Board of Assessment Review with a term ending September 30, 2023.

Motion by Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution No. 79 of 2018.

A roll call was taken on Resolution No.79 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT
Councilwoman Bruno	YES
Councilman D'Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 79 of 2018 was adopted unanimously.

**Resolution #80 Authorizing the Supervisor to Sign
A Grant Agreement for Court Furniture**

Presented By: Supervisor

WHEREAS, the Town may receive a special grant in the 2018-2019 New York State Budget for the Court; and

WHEREAS, there are specific requirements and regulations governing the expenditure of these funds;

Now, therefore, be it

RESOLVED, that the Town Supervisor is hereby authorized to sign all documents necessary on behalf of the Town to apply for, receive and expend the Court grant funds to build a safety glass partition at counter, metal detector and wireless alert system.

Motion by Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution No. 80 of 2018.

A roll call was taken on Resolution No.80 of 2018 as follows:

Supervisor Kinowski	YES
Councilman Baker	ABSENT

Councilwoman Bruno	YES
Councilman D’Ambro	YES
Councilwoman Vomacka	YES

Motion carried. Resolution No. 80 of 2018 was adopted unanimously.

Reports Town Board & Dept Heads

Supervisor Kinowski made a statement regarding the Panza’s PDD application that was submitted to the Town Board. He stated that the application has been in the Town Board’s procession since June. It has been held up since it does not comply with Town code. At this time it has been sent back to the owner with no action. Perhaps they can work with the Building Dept. and present something more conclusive to Town requirements.

Public Input

Peter Buck, Chairman of the Planning Board commented on two recent articles in the paper regarding the Panza PDD application. The articles made it sound like it was a done deal and also stated that it was not.

Coke Cowin inquired about the surplus street saw clipper.
Supt Minick stated that it cuts blacktop.

Dick D inquired on the status of the Town Hall building, the water line from George Thompson Rd to Graves and Farley to Coons Crossing and if the Village owned the land their water tank is on.
Supervisor Kinowski stated that they have an extension on the lease and are being encouraged to purchase the building. He said his focus has been on a public safety building which would house the rescue squad and police dept.
Discussion on location, funding, grants and specific requirements that have to be met.
Supt Minick stated that was put in when Mechanicville was going in on the water line before backing out and the Village owns the land the tank is on.
A brief discussion was held on the water line going to Coons Crossing.

Audited Claims

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

General	\$18,792.50
Town Outside	\$33,172.17
Highway	\$101,991.27
Water & Sewer	\$3,725.57
Capital Projects	\$6,823.22

Motion carried.

Motion by Councilwoman Vomacka and seconded by Councilwoman Bruno to adjourn the Town Board meeting and enter into executive session to discuss personnel and a contractual item at 7:45 pm. **Motion carried.**(Note: the Town Board will not resume the regular meeting).

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk