

**Stillwater Town Board  
Business Meeting & Public Hearing (Water Dist. 5 x1)  
February 21, 2019 7:00 PM  
Stillwater Town Hall**

**Present:** Councilman Art Baker  
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

**7:00 PM Public Hearing** (Boundary extension for Water Dist. 5 extension 1)  
Supervisor Kinowski called the meeting to order and led everyone in the Pledge to the Flag.

Sue Cunningham, Town Clerk took the roll call.

Supervisor Kinowski gave a brief overview Water Dist. 5 ext. 1 and the extension of the boundaries.

**Public Input:** *No public comment.*

With everyone having the opportunity to comment Supervisor Kinowski adjourn the Public Hearing at 7:05 pm.

**Adoption of Minutes:** **Motion** by Councilwoman Bruno and seconded by Councilman Baker to adopt the minutes of February 7, 2019. **Motion carried.**

At this time Supervisor Kinowski introduced Resolution #15, appointing Joe Waldron as Town Justice.

**Motion by** Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution #15 appointing Joe Waldron as Town Justice. **Motion carried.**

Ralph Peluso, former Town Justice administered the oath of office to Joe Waldron.

**Resolution #15                      Appointing Joe Waldron as Town Justice**

Introduced by: \_\_\_\_\_ Supervisor \_\_\_\_\_

WHEREAS, Town Justice Ralph Peluso has retired effective December 31, 2018 and it is necessary to appoint an interim judge to serve until an election can be held in November 2019; and

WHEREAS, the Town Board has considered several candidates for the interim position;

NOW, therefore be it

RESOLVED, that the Town Board hereby appoints Joseph Waldron as the interim Town Judge to replace retiring Town Judge Ralph Peluso effective immediately until December 31, 2019.

**Motion** by Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution No. 15 of 2019.

A roll call was taken on Resolution No. 15 of 2019 as follows:

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

**Motion carried.** Resolution No. 15 of 2019 was adopted unanimously.

**Agenda Item                      Resolution #16--#19**

**Councilwoman Bruno** requested a separate vote on Resolution #19.

**Resolution #16                      Making a SEQRA determination regarding the  
Extension of Boundaries 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 Short Environmental Assessment Form previously prepared by the Chazen Companies when Water District 5 Ext 1 was formed in 2016, a copy which is on file in the Town Clerk’s Office; and

WHEREAS, the Amended Map, Plan and Report dated January 16, 2019 indicates no significant environmental impacts since 2016 as a result of the proposed extension of district boundaries; and

WHEREAS, a Public Hearing was conducted at the Town Board meeting on February 21, 2019 at which time the environmental impacts of the project were presented and discussed; and

Now, therefore, be it

RESOLVED, that the Town Board has determined that the proposed Extension of Water District #5, Extension 1 is an Unlisted Action pursuant to 6 NYCRR Part 617 (SEQRA), has determined that an Uncoordinated Review is appropriate, 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 Councilwoman Bruno and seconded by Councilman D’Ambro to adopt Resolution No. 16 of 2019.

A roll call was taken on Resolution No. 16 of 2019 as follows:

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

**Motion carried.** Resolution No. 16 of 2019 was adopted unanimously.

**Resolution #17                      Approving Extension of Boundaries of Water District #5  
Extension 1 Pursuant to Article 12-A of the Town Law**

Introduced by: \_\_\_\_\_ Supervisor \_\_\_\_\_

WHEREAS, the Town Board has reviewed the Map, Plan and Report prepared by the Chazen Companies dated January 16, 2019, a copy of which is attached hereto and is on file in the Town Clerk’s Office for public inspection, providing for the extension of Boundaries of Water District #5 Extension 1; and

WHEREAS, a Public Hearing was conducted by the Town Board at its regularly scheduled meeting of February 21, 2019 regarding the extension of the boundaries of Water District #5 Extension 1 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 attached Map, Plan and Report provides a description of the extension of 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;

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 extended District are benefited thereby;
3. That all the property and the property owners benefitted are included within the limits of the proposed extended District;
4. That the establishment of the extended District Extension is in the public's interest;
5. That the expenses for the formation of the extended District Extension and the construction of any water improvements shall be assessed, levied and collected on a benefit basis from the owners within the extended District;
6. That the establishment of the extended District Extension and any construction of water system improvements required for it are hereby approved at a cost to the extended District of \$515 Total Annual Cost per Typical Single Family Home;
7. That following a review of the Short Environmental Assessment Form and after due deliberation thereon, the Town Board conducted an Uncoordinated Review of the Unlisted Action and issued a Negative Declaration (Determination of Non-Significance) pursuant to the provisions of Article 8 of the New York Environmental Conservation Law; and be it further

RESOLVED that the extension of boundaries of Water District No. 5, Extension 1 is hereby approved, and the District is wholly situated outside of any incorporated Village or City and bounded and described as follows: The amended service area includes properties along Lake Road (CR 76), Dunn Road, and Dick Lynch Road, as well as the Saratoga Hills Mobile Home Park (Saratoga Hills Park), and several properties located along Colonial Road outside of the Village's service area (e.g. Village corporate limits); and be it further

RESOLVED that submission of an application for approval to the State Comptroller is not required as the cost to the typical homeowner is estimated at \$515 per year, far below the 2019 Comptroller's threshold requiring Comptroller approval of \$898 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 Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution No. 17 of 2019.

A roll call was taken on Resolution No. 17 of 2019 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilwoman Bruno	YES

Councilman D'Ambro        YES  
Councilwoman Vomacka      YES

**Motion carried.** Resolution No. 17 of 2019 was adopted unanimously.

**Resolution #18            Approving the Settlement for McBride v. Town of Stillwater,  
Real Property Tax Assessment Challenge, Residential Property**

Introduced by: \_\_\_\_\_ Supervisor

WHEREAS, Michael McBride owns property at 64 Brickhouse Road. It was assessed for \$145,000.00 (Fair Market Value: \$154,700.00.) Mr. McBride challenged the assessment and sought an assessed value of \$60,000.00; and

WHEREAS, the exchange of appraisals resulted in valuations as follows:

	<u>FMV</u>	<u>Assessment Value</u>
McBride’s Appraisal	\$110,000.00	\$ 99,000.00
Town’s Appraisal	\$170,000.00	\$153,000.00
Average Between the 2 appraisals:	\$140,000.00	\$126,000.00; and

WHEREAS, Mr. McBride is willing to accept a settlement valuation of \$127,072 (FMV) which is an assessed value of \$115,000.00. This would result in a \$25,000.00 decrease for the assessed value of the property at issue. With a tax rate of approximately 4.5% per thousand, this amounts to a net loss in tax revenue to the Town of approximately \$112.50; and

WHEREAS, Real Property Tax Law §727 shall apply which governs the duration of the new equalization rate; and

WHEREAS, this settlement proposal has the support of the attorneys for the town and of the town assessor.

NOW, therefore be it

RESOLVED, that the Town Board accepts the proposal and authorizes the attorneys for the Town to prepare and execute the settlement documents.

**Motion** by Councilwoman Bruno and seconded by Councilman D'Ambro to adopt Resolution No. 18 of 2019.

A roll call was taken on Resolution No. 18 of 2019 as follows:

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

**Motion carried.** Resolution No. 18 of 2019 was adopted unanimously.

**Resolution #19            Setting a Stipend for the Chairperson of  
Administration, Promotions and Public Relations**

Introduced by: \_\_\_\_\_ Supervisor

WHEREAS, the Chairperson of Administration, Promotions and Public Relations was appointed in Resolution No. 1 of 2019 with the Chairperson’s stipend left to be determined; and

WHEREAS, the Chairperson is charged with all necessary duties to assist the Supervisor with programs, grants, state legislator coordination and general administration; and

NOW, therefore be it

RESOLVED, that the stipend for the Chairperson of Administration, promotions and public relations is hereby approved at a rate of \$720 per week. The stipend is based on a \$24 per hour rate for 30 hours per week. The chairperson can submit for other reimbursable expenses as deemed appropriate by the Supervisor. The stipend will be effective for February.

**Motion** by Councilwoman Bruno and seconded by Councilman D’Ambro to adopt Resolution No. 19 of 2019.

A roll call was taken on Resolution No. 19 of 2019 as follows:

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

**Motion carried.** Resolution No. 19 of 2019 was adopted by a 4to 1 vote. Councilwoman Bruno recused herself from voting.

**Public Input**

Dick D commented on the Village sidewalks and how he approached the Village Mayor regarding this issue.  
A brief discussion was held.  
Judy Wood Zeno, Village Trustee was in attendance and commented that the Village Mayor went around and sent letters out to homeowners where sidewalks were not shoveled.

**Audited Claims**

**Motion** by Councilman Baker and seconded by Councilman D’Ambro to pay the audited claims.

General	\$10,811.76
Town Outside	\$1,362.28
Town Highway	\$27,262.99
Water & Sewer	\$1,701.45 & 1,295.90
Capital Projects	\$2,681.80

**Motion carried.**

**Motion** by Councilman Baker and seconded by Councilwoman Bruno to adjourn the Town Board Meeting at 7:25 pm. **Motion carried.**

Respectfully Submitted by

Sue Cunningham  
Stillwater Town Clerk