

**Stillwater Town Board Meeting  
November 7, 2019 7:00 PM  
Agenda Meeting & 2 Public Hearings  
(Local Law-Tax Cap & 2020 Budget)  
Stillwater Town Hall**

**Present:** Councilman Artie Baker  
Councilman Chris D'Ambro  
Councilwoman Ellen Vomacka  
Supervisor Ed Kinowski

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

**Absent:** Councilwoman Lisa Bruno

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

Sue Cunningham, Town Clerk took the roll call.

**Public Hearing Local Law--Tax Cap Override**

Supervisor Kinowski gave a brief overview on the purpose of the Local Law overriding the tax cap.

Public Input—No Comments from the public.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing at 7:02 pm.

**Public Hearing 2020 Budget**

Supervisor Kinowski gave a brief overview of the budget & workshops.

Public Input

Karen L commented on the website not being up to date.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing at 7:07.

**Regular meeting:**

**Adoption of Minutes:** **Motion** by Councilwoman Vomacka and seconded by Councilman D'Ambro to adopt the minutes of October 17, 2019. **Motion carried.**

**Agenda Items** Resolutions #58 & #60---#63

**Resolution #58 Authorizing the Supervisor to Sign Water Administration, Operations and Maintenance Agreement**

Introduced by: Supervisor

WHEREAS, Malta is in the process of establishing an improvement district in accordance with Article 12-A of the Town Law to supply water to the southeast portion of the Town of Malta (the "Proposed District"); and

WHEREAS Malta through the Proposed District desires to contract with Stillwater for administration, operation, maintenance and related ancillary services, on the terms and conditions contained herein.

WHEREAS, a Motion by Councilwoman Vomacka to UNTABLE Resolution 58 of 2019, seconded by Councilman D'Ambro was unanimously approved.

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the Water Administration, Operations and Maintenance Agreement with the Town of Malta as proposed in the attached Agreement.

A roll call was taken on Resolution No. 58 of 2019 as follows:

**Motion Carried.** Resolution No. 58 of 2019 was adopted unanimously.

Introduced by: Supervisor

WHEREAS, effective in 2012, local governments are subject to a tax levy limitation as a result of the New York State Property Tax Cap Legislation set forth in General Municipal Law Article 2, §3-c; and

WHEREAS, there is a provision within the legislation that requires the Town to pass a local law by a 60% majority vote that states that it wishes to override said tax cap limit if the tax levy limit established by the preliminary budget will exceed the tax cap limit; and

WHEREAS, Paragraph 5 of §3-c of Article 2 of the General Municipal Law reads in full: “A local government may adopt a budget that requires a tax levy that is greater than the tax levy limit for the coming fiscal year, not including any levy necessary to support the expenditures pursuant to subparagraphs (i) through (iv) of paragraph g of subdivision two of this section, only if the governing body of such local government first enacts, by a vote of sixty percent of the total voting power of such body, a local law to override such limit for such coming fiscal year only, or in the case of a district or fire district, a resolution, approved by a vote of sixty percent of the total voting power of such body, to override such limit for such coming fiscal year only.” And

WHEREAS, Supervisor Kinowski has recommended that Local Law to Override the Property Tax Cap be adopted to exceed the tax cap of approximately two percent (2%) for the 2020 Budget; and

WHEREAS, that a public hearing was held on November 7, 2019 at 7:10 p.m. at Town Hall 881 Hudson Avenue, Stillwater, New York, to receive comments from the public regarding the attached Local Law to Override the Tax Cap

RESOLVED, that Local Law No. 1 of 2019, a Local Law to Override the Property Tax Cap for the 2020 Budget is hereby approved.

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A roll call was taken on Resolution No. 60 of 2019 as follows:

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

**Motion carried.** Resolution No. 60 of 2019 was adopted unanimously.

**Resolution #61                      Adopting the Budget for 2020**

Introduced by: Supervisor Kinowski

WHEREAS, the Town Board proposed its Preliminary 2020 Budget at a Public Workshop on October 3, 2019 and at a Public Hearing on November 7, 2019, where the Budget was reviewed and comments from the public were received;

Now, therefore be it

RESOLVED, that the final 2020 Budget, a copy of which is on file at both the Supervisor's office and the Town Clerk's office, is hereby approved.

**Motion** by Councilman D'Ambro and seconded by Councilwoman Vomacka to adopt Resolution No. 61 of 2019.

A roll call was taken on Resolution No. 61 of 2019 as follows:

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

**Motion carried.** Resolution No. 61 of 2019 was adopted unanimously.

**Resolution #62                      Authorizing the Supervisor to  
Sign a Purchase Agreement on Stillpoint Road**

Introduced by: Supervisor

WHEREAS, the Town has identified the need for land on which to relocate Stillpoint Road to make the line of sign at its intersection with NYS Route 423 better and safer; and

WHEREAS, the Owners of vacant land near the existing road are willing to swap adjacent land for the reconstruction at minimal cost to the Town;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Supervisor to enter into a purchase and sale agreement with Judith Ferris and Stillwater Christian Fellowship to relocate Stillpoint Road on the southside of NYS Route 423; and be it further

RESOLVED, that the proposed land swap by the Town of the above-referenced property(ies) is subject to a permissive referendum pursuant to §220 of the NYS Town Law; 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 in the event no Petition is filed, 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.

**Motion** by Councilman D’Ambro and seconded by Councilwoman Vomacka to adopt Resolution No. 62 of 2019.

A roll call was taken on Resolution No. 62 of 2019 as follows:

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

**Motion carried.** Resolution No. 62 of 2019 was adopted unanimously.

**Resolution #63                      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

**BUDGET INCREASE**

<b>A1620.100 Buildings Pers Servic</b>	<b>\$5,000.00 (George Brown Salary</b>
<b>A1090 Interest and Penalty</b>	<b>\$5,000.00 (George Brown Salary</b>
<b>B-7989.100 Other Cultural pers service</b>	<b>\$ 4,800.00 Stipend (Tiara Brown))</b>
<b>B-7989.100 Other Cultural Pers Service</b>	<b>\$ 750.00 Stipend (Anne/Lorraine)</b>
<b>B2410 Property Rental</b>	<b>\$5550.00 For Pony Paddock expense above</b>

**BUDGET TRANSFER:**

<b>DB9055.8 Disability</b>	<b>\$100.00 to cover budget</b>
<b>DB9060.8 Hospitalization</b>	<b>-\$100.00 to cover budget</b>
<b>Sw8310.103 Distict 3 pers service</b>	<b>\$6000.00 to cover payroll</b>
<b>SW9030.83 Soc Sec dist #3</b>	<b>400.00 to cover payroll</b>
<b>SW9035.83 Med dist # 3</b>	<b>100.00 to cover payroll</b>
<b>SW8320.463 Water Source Oper #3</b>	<b>-\$6500.00 to cover payroll</b>

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

**Motion** by Councilman D’Ambro and seconded by Councilwoman Vomacka to adopt Resolution No. 63 of 2019.

A roll call was taken on Resolution No. 63 of 2019 as follows:

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

**Motion carried.** Resolution No. 63 of 2019 was adopted unanimously.

**Public Input**

Karen L commented on roadside clearing that was done up by her home. She stated that she was not happy with the way it was done, the distance they came off the road and the way it was left. Supt Minick stated that it is standard road maintenance and as for the way it was left he will look into.  
Further discussion was held on purpose, growth and distance from the center line for roadside clearing.

Dick D inquired how long before they cut out the roadway for the Stillwater Christian Fellowship to relocate Stillpoint Road.  
Supt Minick stated they are not prepared to start cutting the road. They have to wait for approvals before doing anything.

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

General	\$28,796.49
Town Outside	\$10,816.38
Highway	\$24,846.47
Water & Sewer	\$694.45/23,147.04
Trust & Agency	\$1,228.50
Capital Projects	\$6,6228.50

**Motion carried.**

**Motion** by Councilman Baker and seconded by Councilwoman Vomacka to adjourn into executive session to discuss a litigation matter and a personnel matter at 7:27 pm. **Motion carried.** (Note: The Town Board will not resume the regular Town Board Meeting)

Respectfully submitted by  
  
Sue Cunningham  
Stillwater Town Clerk