

**Stillwater Town Board
Business Meeting
January 15, 2009 7:00 PM
Stillwater Town Hall**

Present: Councilman Artie Baker
Councilwoman Lisa Bruno
Councilwoman Virginia Whitman
Supervisor Shawn Connelly

Also Present: Sue Cunningham, Town Clerk
Ray Abbey, Bldg Inspector/Code Enforcement
James Trainor, Attorney for the Town
Joe Lanaro, Engineer for the Town

Absent: Councilman Ken Petronis
Mark Minick, Supt of Highways

7:00 PM Public Hearing

Purpose: *The purpose of the Public Hearing is to afford the public the opportunity to comment on the proposed amendments relating to the fees and penalties relating to the licensing of dogs in Local Law 5 of 2004.*

Supervisor Connelly called the Public Hearing to order.

Sue Cunningham, Town Clerk verified for the record that proper notification of the public hearing was advertised on January 1, 2009.

Public Input

Jim C. requested that they elaborate more on the fines and where the money went.

Supervisor Connelly stated that the main part is changing the fines for not licensing the dog from \$25 to a maximum of \$250.

A discussion was held on who or where the money goes.

A resident inquired about the fees for licensing dogs.

Sue Cunningham, Town Clerk stated that the regular fees are \$5 for spayed/neutered or \$13 for Unspayed/Unneutered.

Terry S. commented on the fine monies and if they went into the Canine Control budget. She stated that if the money went there it would help increase his budget in order to help purchase equipment needed for better organization and make the department more self-sufficient.

Further discussion was held on how the money is or could be appropriated to make the department self-sufficient.

With everyone having the opportunity to be heard Supervisor Connelly adjourned the Public Hearing at 7:05PM.

7:05 PM Public Hearing

Purpose: *The purpose of the Public Hearing is to afford the public the opportunity to comment on the proposed Local Law 1 of 2009 regarding the conduct of Town Board meetings.*

Supervisor Connelly called the Public Hearing to order.

Sue Cunningham, Town Clerk verified for the record that proper notification of the public hearing was advertised on January 1, 2009.

Public Input

Jim C. requested the Board expand on this proposed Local Law.

Attorney Trainor stated that this Local Law deals with how a Town Board meeting will be conducted. He said that this was part of the codification. They are three Local Laws that are put in place which were not part of the draft Town code in 2007.

Terry S. asked if this was a work in progress and subject to being updated.

Attorney Trainor stated that this is a draft that was put in place by General Code. It the General Code does not include the Local Laws from 2008 or the three proposed Local Laws this evening. Attorney Trainor proceeded to go over the process of the General Code and updates that need to be made.

Terry S. inquired about prewritten questions to the Board at a meeting, preliminary agenda, and comments being held to business before the Town Board and who the resident must address during the meeting.

Supervisor Connelly stated that the resident can submit questions to the Town Board prior to the meeting but is not required to.

Attorney Trainor read the section in regard to a preliminary agenda.

Councilwoman Bruno stated that she would like a timeframe in there.

Sue Cunningham, Town Clerk stated that a preliminary agenda two days after a meeting is unfair to the Town Clerk especially when she gets the resolutions the same time the Board members get theirs and that she is against this portion.

Councilwoman Whitman inquired about minutes being taken during executive session.

Attorney Trainor stated that if minutes were taken it would go against the purpose of having executive session. Executive session is a time when the Board can discuss certain subjects freely without being publicized.

Further discussion was held on agendas, executive session etc.

John V inquired if the code book is the same or if changes have been made to it.

Attorney Trainor no changes have been made to the draft.

With everyone having the opportunity to be heard Supervisor Connelly adjourned the Public Hearing at 7:25PM.

7:25 PM Public Hearing

Purpose: The purpose of the Public Hearing is to afford the public the opportunity to comment on the proposed Local Law 2 of 2009 rules for public access to records.

Supervisor Connelly called the Public Hearing to order.

Sue Cunningham, Town Clerk verified for the record that proper notification of the public hearing was advertised on January 1, 2009.

Public Input

Terry S. inquired if this basically followed State procedures.

Attorney Trainor replied that it did.

With everyone having the opportunity to be heard Supervisor Connelly adjourned the Public Hearing at 7:30PM.

7:30 PM Public Hearing

Purpose: The purpose of the Public Hearing is to afford the public the opportunity to comment on the proposed Local Law 2 of 2009 rules for public access to records.

Supervisor Connelly called the Public Hearing to order.

Sue Cunningham, Town Clerk verified for the record that proper notification of the public hearing was advertised on January 1, 2009.

Public Input

Terry S. requested that the codification be expanded on.

Attorney Trainor went over the introduction, contents, procedure for updating and filing with the State.

John V inquired if there were any changes since the first draft. Attorney Trainor stated that nothing has changed and the only additions would be if the Local Laws that were proposed this evening and future local laws.

With everyone having the opportunity to be heard Supervisor Connelly adjourned the Public Hearing at 7:35PM.

Business Meeting

Supervisor Connelly called the Business 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 Councilwoman Bruno to adopt the Minutes of the December 4, 2008 Agenda Meeting and the December 18, 2008 Business Meeting of the Stillwater Town Board. **Motion carried.**

Communications: Sue Cunningham, Town Clerk stated that one communication was received from the Village requesting the use of a voting machine on March 18, 2009 to conduct the Village Election to be held at the Community Center.

Permission was granted by the Town Board and Councilman Baker requested that the Town Clerk notify the Village Clerk and Community Center of this.

Reports (Town Board & Department Heads)

Supervisor Connelly

FEMA: Supervisor Connelly reported that claims submitted through FEMA from the ice storm were denied.

EPA: Supervisor Connelly gave a brief update on the EPA lawsuit.

Councilwoman Whitman

Highway: Councilwoman Whitman stated that she was mistaken in the amount for highway expenditures in Resolution #1 and that the originally amount listed was correct. She also commented that a Highway employee's name was left out of the resolution.

Fire Marshall/911 Administrator: Councilwoman Whitman inquired if the two departments would be submitting a year end report.

Supervisor Connelly stated that he has reports from the departments and will forward them on the Board members.

Board of Ethic: Councilwoman Whitman requested a resolution appointing Sara Kipp to the Board of Ethics and suggested that the Board appoint a new chairperson to the committee.

EPA Lawsuit: Councilwoman Whitman inquired as to the funds being used and what happens when those funds are spent.

Supervisor Connelly stated that the County has authorized \$100,000 to cover legal fees and when that is spent they would go back to the County and request more funding.

Lighting: Councilwoman Whitman stated that she met with the Assessor in regard to the lighting district and found that some residents need to be removed or added on to the districts.

Association of Towns: Councilwoman Whitman inquired about the final cost of the Association of Towns and though there should be a cap of \$1200 for reimbursement of expenses.

A discussion was held on what the cap should be.

Health Insurance: Councilwoman Whitman inquired if a resolution was needed to offer eligible town employees CDPHP.

Job Descriptions: Councilwoman Whitman requested that she be allowed to put the committee that helped with the personnel policy back together to work on job descriptions.

Library: Councilwoman Whitman stated that a copy of the 2009 Town Budget was on file in the Stillwater Free Library.

Saratoga County non payment of Taxes: Councilwoman Whitman reported that non payment of taxes has gone up 20% in 2008 and up 40% since 2006.

Councilwoman Whitman commented on her first year in office.

Councilwoman Bruno

911: Councilwoman Bruno requested that when the 911 administrator delivers notices of house number changes the Board is notified in advance so when she is asked about this she knows what is going on.

Drainage Problem: Councilwoman Bruno inquired about a drainage problem on Gurba Drive and if anything was going to be done and has the resident been notified of the Town's position by the Supervisor to whom the original letter was sent to?

Councilman Baker stated that the drainage problem on Gurba Dr has been corrected.

Engineer Lanaro stated that the problem is the way the house was constructed and that the Town has nothing to do with the drainage issue the resident is having.

A discussion was held on the construction of the home and current standards for building.

Emergency Management (John Nett)

John Nett gave a brief update on the FEMA claim and that it was being appealed. He went over the goals for 2008, accomplishments to date and the goals for 2009.

A discussion on the committee, mental health officer, adding & deleting contacts and volunteers was held.

Public Input

Resident I inquired about the EPA water issue and the 2009 budget.

Supervisor Connelly stated that the municipalities are filing a lawsuit to delay dredging one year to give the Town the potential to hook into the County water line.

Supervisor Connelly stated that each department is trying to keep expenditures down and that no pay raises were given except for those covered under union contract.

Resident II inquired about Resolution #11.

Attorney Trainor stated that the proposed Local Law would be filed with the Town Clerk.

Resident III commented on the expenditures for attending the Association of Towns and if alcohol would be covered, 911 address issue, and the increase of nonpayment of taxes coinciding with the reassessment that was done.

Resident IV inquired about the percentage of tax increase since the reval, the status of Stratton Lane, if all municipalities involved in the EPA lawsuit was getting \$100,000, Resolution #3, #4 & #11.

Councilwoman Whitman stated that taxes went up approximately 44% and that the reval was only good if the budget stays down.

Supervisor Connelly stated that he requested that the resident of Stratton Lane have their attorney contact the Town attorney.

A discussion was held on who is responsible for the situation and how to bring closure to this problem.

Supervisor Connelly stated that the County was given a total of \$100,000 to be used by the municipalities.

Discussion was held on how far the money would go.

Attorney Trainor stated that resolution #3 refers to a personnel matter.

Supervisor Connelly stated that Resolution #11 resulted in some research that Councilwoman Bruno did and a copy of the proposed local law would be available in the Town Clerk's Office next week.

Councilwoman Bruno stated that the proposed local law was just a way of coming into compliance with State laws.

A discussion was held on Resolution #11 in regard to time sheet management and how the fee is estimated.

Agenda Items (Resolutions #2, # 3, #4, #5, #6, #7, #8, # 9, #10, #11)

Resolution #2: *Appointing Beverly Frank to the Town of Stillwater*

Planning Board for a two year term commencing on January 1, 2009

Resolution #3: *Appointing Honorable Lawrence Whalen, Stillwater Town*

Justice, as the hearing officer to conduct disciplinary proceedings no later than February 5, 2009.

Resolution #4: *Authorizing the Chazen Companies to compile and submit a Brownfield Opportunity Area Step II Grant Application not to exceed \$2,500.*

Resolution #5: *Authorizing the Director of Fiscal Management to make budget transfers.*

Resolution #6: *Amending Resolution #1 to provide in relevant part that "pursuant to Section 284 of the NYS highway Law, the Town Board hereby approves the expenditure of \$1,154,600.00 for the repair & improvement of 62.29 miles highways."*

Resolution #7: *Authorizing the Supervisor to sign an agreement with the Stillwater free Library for 2009.*

Resolution #8: Authorizing the Supervisor to enter into a contract with the Stillwater Ambulance Fund, Inc for 2009.

Resolution #9: Approving the retention of The Chazen Companies to provide engineering and planning services to the Town Planning, Zoning & Highway Departments on an hourly, as-needed basis for 2009 and to enter into a contract with The Chazen Companies to provide post-closure monitoring of the Town landfill.

Resolution #10: Approving an amendment to the engagement agreement for legal services.

Resolution #11: Scheduling a public hearing for February 5, 2009 at 7:00 PM to consider Local Law ?, 2009 expanding the residency requirements for Town Building Inspectors.

Resolution #12: Establishing an Escrow account for AMD Site Plan Application.

Resolution #13: Authorizing the Budget Officer to make the necessary 2008 year end budget transfers.

Councilwoman Whitman requested discussion on Resolution #4 & #9.

Discussion: Resolution #4.

Councilwoman Whitman requesting clarification on Resolution #4.

Engineer Lanaro stated that it was for the Route 4 corridor continuation, preparing the grant application to do planning studies and there would be a ten percent Town match.

Supervisor Connelly stated that this was only authorizing Chazen to prepare and submit the application. They are not authorizing the expenditure of any funds where the Town would have to pay ten percent.

Discussion: Resolution #9

Councilwoman Whitman stated that she read twenty hours per week for the building dept and she believes that they budgeted for six hours a week.

Supervisor Connelly explained after talking with Engineer Lanaro and Ray Abbey the consensus was to have them work four hours a week and in the summer when needed more there will be extra hours they can fall back on.

A discussion was held on the hours and it was agreed to amend the Resolution to read four hours.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adopt Resolutions #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, & #13.

A roll call vote was taken on Resolutions #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, & #13.

Councilman Baker	Yes
Councilman Petronis	Absent
Councilwoman Bruno	Yes
Councilwoman Whitman	Yes
Supervisor Connelly	Yes

Motion carried. Resolutions #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, & #13 were adopted unanimously. (Copies attached and made part of the minutes).

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

General	#1-#55	\$38,730.28
Highway	#1-#47	\$60,867.30
Town Outside	#1-#11	\$12,244.34
Water & Sewer	#1-#4	\$916.59
Capital Projects (CSR, BOA, GEIS)	#1-#11	\$163,916.93

Motion carried.

Motion by Councilman Baker and seconded by Councilwoman Bruno to adjourn the Business Meeting of the Stillwater Town Board at 9:05 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk

