

**Stillwater Town Board**  
**Business Meeting/ Public Hearing**  
ATV Local Law & Zoning Code Amendments  
**January 19, 2012 7:00 PM**  
**Stillwater Town Hall**

**Present:**                   **Councilman Artie Baker**  
                                  **Councilman Ken Petronis**  
                                  **Councilwoman Lisa Bruno**  
                                  **Councilwoman Virginia Whitman**  
                                  **Supervisor Ed Kinowski**

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

**Public Hearing**           Proposed ATV Local Law

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

Supervisor Kinowski gave a brief explanation as to how this proposed local law was generated. He stated that a few residents were having trouble with their neighbors who built a track for riding their ATV and are riding their ATV at all hours creating a disturbance.

Sue Cunningham, Town Clerk stated that she had petitions signed by sixty two residents who objected to the proposed local law and a letter from W. Carpenter a town resident objecting to the proposed local law. (Petition & letter will be on file with the Town Clerk)

Stan H stated that his ATV is licensed & registered and spoke against the proposed local law.

Kevin B stated that he does not own an ATV but opposes the proposed local law. He commented on traffic laws already in effect, the language of the proposed local law and felt that the existing State laws were adequate.

Jason E submitted petitions with 80 signatures of residents who oppose the proposed local law. He spoke against the proposed local law and thought they should concentrate on other areas such as slowing down traffic or bikes & trucks with loud pipes that affects everyone and not just a few residents.

Edward G commented on his son who has a handicap and the proper permits to ride his ATV. With this local law what is to stop him from being harassed for riding his ATV. Supervisor Kinowski stated that this local law does not supersede any higher entity.

Art F requested an explanation of what this was all about. Supervisor Kinowski stated that this was brought up at the last meeting and a copy of the proposed local law has been available in the Town Clerk's Office for review.

John V spoke against the proposed local law and thought that these laws should be left up to motor vehicle to handle not the town.

Matt F spoke against the proposed local law. He uses his ATV for fishing, hunter and pleasure and most of the time he would be in violation. He stated that because of one bad situation a local law is being proposed that will affect all residents. He asked for the Town Board support the residents by passing a fair law and not to pass what is being proposed this evening.

Barry T suggested that the Town Board focus on a noise ordinance and not an ATV law.



Councilwoman Whitman agreed with the other council members and thought there were too many laws on the books now.

**Motion** by Councilwoman Bruno and seconded by Councilman Petronis to adopt Resolution #7.

Supervisor Kinowski	No
Councilman Baker	No
Councilman Petronis	No
Councilwoman Bruno	No
Councilwoman Whitman	No

**Motion defeated.** Resolution #197 was defeated unanimously.

**7:45 pm Public Hearing                      Zoning Amendments**

Supervisor Kinowski gave a brief explanation of how the changes came about.

Jim B stated that he welcomes commerce and that it would be good for all. He has felt the rail truck traffic, it is continuance and the impact to residents in the area is horrible. He has concerns with the traffic regarding speeding and doesn't see any police patrols in the area.

A discussion was held on police patrols with the resident stating that they never see patrols at all.

Supervisor Kinowski stated that he has been in contact with the rail yard about the braking, traffic and he will request that the town police patrol the area more.

Art F inquired if DA Collins has anything planned.

Supervisor Kinowski stated that at this point they will be going before the planning board.

With everyone having the opportunity to comment on the zoning amendments Supervisor Kinowski closed the public hearing at 7:55 pm.

**Regular Business Meeting**

**Appointment:** Sue Cunningham, Town Clerk appointed Barbara McManus as the Deputy Town Clerk.

**Adoption of Minutes: Motion** by Councilwoman Whitman and seconded by Councilman Petronis to adopt the Town Board minutes of December 15, 2011. **Motion carried.**

**Agenda Items                                      Resolutions #5-#9**

**Resolution #5                                      Authorizing the Supervisor to  
Enter into a Contract with the  
Stillwater Free Library**

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

WHEREAS, the Stillwater Free Library provides free library service to all residents in the Town; and

WHEREAS, at the November 2003 general election the Town residents approved an annual appropriation of \$127,360.00 for the support of the library; and

WHEREAS, the Attorney for the Town has reviewed the contract between the Town and the Stillwater Free Library to provide for the disbursement of Town funds to the Stillwater Free Library for the year 2012; and

WHEREAS, the Town Board has reviewed the contract and approves of its execution;

Now, therefore, be it







RESOLVED, that the Town Board hereby adopts Local Law No. 2 of 2012, a Local Law amending the Town's Zoning Code and also amending Local Law No. 1 of 2001 and Local Law No. 5 of 2011 regarding changes to the Town's current 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.

RESOLVED, that the Town Clerk file Local Law No. 2 of 2012 with the New York Secretary of State forthwith.

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 zoning changes, and be it further

RESOLVED, that The Chazen Companies is directed to provide the Town with a new zoning map depicting any changes to the current zoning map; and be it further

RESOLVED, that The Chazen Companies is directed to ensure compliance with all appropriate Environmental Regulations.

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #9 of 2012.

A roll call vote was taken on Resolution #9 of 2012 as follows:

Supervisor Kinowski	YES
Councilman Baker	YES
Councilman Petronis	YES
Councilwoman Whitman	YES
Councilwoman Bruno	YES

**Motion carried.** Resolution #9 of 2012 was adopted unanimously. (Local Law will be attached to the minutes and filed in the Local Law book)

Supervisor Kinowski reported that in accordance with Resolution #1 he signed a contract with Chazen Companies with no change to the 2012 Budget.

Supervisor Kinowski requested the Attorney to review a Saratoga County hazard mitigation plan which if the Town is included it will be at no cost.

### **Public Input**

Coke C inquired as to how one would apply for Resolution #6.

Supervisor Kinowski stated that anyone who had damage should contact the Assessor.

John V inquired about Local Law No. 2 of 1985 & Local Law No. 1 of 2002 and commented on the zoning & mobile home ordinance.

Attorney Trainor stated that Resolution #7 was defeated so Local Law No. 2 of 1985 Local Law No. 1 of 2002 has not been repealed.

Art F commented on the two men who retired from the highway dept. and the Deputy Supervisor position.

Supervisor Kinowski stated that no change was made to budget, they are still paying him the allotted \$500 and he reduced his salary by a thousand to pay the Deputy Supervisor.

Marty D inquired as to the duties of the Deputy Supervisor.

Supervisor Kinowski stated that he covers all Supervisor duties with the exception of voting. He has no voting rights. At this time he has been requested to look at the 2% tax cap, PILOT's and being retired he has the added benefit of being more readily available.

Art F inquired if people on County Rte 76 can tap into the new water line.

Supervisor Kinowski stated that there is a potential but first a water district would need to be created and they would need a water tank.

Tony B inquired who would be paying for the new proposed water line.

Supervisor Kinowski stated that the Town would pay upfront but the debt would be paid for by the water district.

**Audited Claims**

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

2011	General	#30-#38	\$3247.65
	Town Outside	#14-#17	\$9827.04
	Highway	#17-#28	\$11429.38
	Water & Sewer	#5-#8	\$208.99
	Trust & Agency	#1	\$125.52
2012	General	#39-#57	\$8429.00
	Town Outside	#18-#24	\$5107.54
	Highway	#29-#37	\$5119.32
	Water & Sewer	#9	\$1000.00

**Motion carried.**

**Motion** by Councilman Petronis and seconded by Councilwoman Bruno to adjourn the meeting at 8:30 pm. **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk