

**Stillwater Town Board
Business Meeting
February 18, 2010 7:00 PM
Stillwater Town Hall**

Present: Councilman Artie Baker
Councilman Ken Petronis
Councilwoman Lisa Bruno
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

Absent: Councilwoman Virginia Whitman

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

Sue Cunningham, Town Clerk took the roll call.

Communications: None

Adoption of Minutes: **Motion** Councilman Petronis and seconded by Councilwoman Bruno to adopt the minutes of January 7, 2010 Re-Organizational Meeting and the January 21, 2010 Business Meeting of the Stillwater Town Board. **Motion carried.**

Reports (Town Board & Dept. Heads)

Councilman Petronis

Highway: Councilman Petronis gave a brief 2009 year end report of the Highway Department consisting of, assists to other Towns & Town Departments, assist from other Towns, hydro-seeding, ditching, shimming, paving, sealing of roads and the Water Department. (The full report may be obtained in the Town Clerk's Office.)

Supervisor Kinowski commented that in the future he was hoping to do comparable analysis reports consisting of two years in order to see the best why for the Town move forward.

Councilwoman Bruno

Memorial Day: Councilwoman Bruno stated that in speaking with Phil Colarusso regarding Memorial Day Plans it was requested that the Town furnish beverages.

Library: Councilwoman Bruno a brief report on the Library's needs, upgrades that have been done, the Library Board and when they meet.

Community Center: Councilwoman Bruno gave a brief report on the Community Center pertaining to financial records, the recent comedy show, family day committee, new policies being drawn up and educating staff. She also stated that on the 20th there would be line dancing and the 27th was a day for cash gold.

Police Department: Councilwoman Bruno gave the 2009 year end report for the Police department pertaining to grants, state mandates, calls, assists, etc. (Full copy of the report may be obtained in the Town Clerk's Office).

Historian: Councilwoman Bruno read the 2009 Historian Report. (Copy may be obtained in the Town Clerk's Office).

Supervisor Kinowski

Building Department: Supervisor Kinowski gave a brief overview of the Building Department/Code Enforcement 2009 year end report which included code violations, permits issued, fees, Etc. (A copy is available in the Town Clerk's Office).

Town Court: Supervisor Kinowski gave a brief overview of the Town Courts 2009 year end report.

Tax Collector: Supervisor Kinowski read the tax Collectors 2009 year end report.

Capital Projects: Supervisor Kinowski stated that they are in the process of restructuring the meetings and should have a report next month.

Pan Am Southern Railroad: Supervisor Kinowski commented that a meeting was held with the representatives of Pan Am Southern Railroad to resolve the issue with the Move the Bridge Group.

Esplanade Project: Supervisor Kinowski stated that this project has been revitalized and the plan is to build in one phase instead of two phases.

Supervisor Kinowski wanted to thank the Town Board members for their support and help since taking office in January.

Agenda Items Resolutions #7--#10

Resolution #7: Building Inspector/Establishment of Funding of Escrows

Introduced by: Planning Board

WHEREAS, the Town of Stillwater receives applications for specific activities regulated by the Town of Stillwater Zoning and Subdivision Regulations that are before the Town of Stillwater Town Board, Planning Board or Zoning Board of Appeals; and

WHEREAS, from time to time, the respective Boards request an independent review by the Town's contracted engineer, planner or attorney to assist in the review of specific applications; and

WHEREAS, when the independent reviews are requested, the Town establishes an escrow account, authorized by the Town Board and that escrow account must be funded by the applicant; and

WHEREAS, the current procedures for engaging independent reviews for applications require the Town Board to entertain and approve resolutions for each instance that these services are requested by each Board; and

WHEREAS, in order to provide a more efficient process for establishment of escrow accounts, the Town desires to allow the Building Inspector to make specific escrow requests without authorization from the Town Board when one is deemed necessary pursuant to the recommended procedure outlined in the attached correspondence from The Chazen Companies dated February 2, 2010;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Building Inspector to request the establishment and funding of escrow accounts by applicants when deemed necessary for specific applications before the Town without requiring formal Town Board resolutions in accordance with the recommended procedure outlined in the attached correspondence from The Chazen Companies dated February 2, 2010.

BUDGET IMPACT STATEMENT: None

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

Discussion: Councilman Baker questioned if this was something the Planning Department Chair should be doing.

Supervisor Kinowski stated that this was just sets the process of establishing the escrow and how the Planning Board takes action of the application doesn't change.

Sue Cunningham, Town Clerk took the roll call as follows:

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

Motion Carried. Resolution #7 was adopted unanimously.

Resolution #8: Pan Am Southern Railroad/Escrow Fund

Introduced by: Supervisor

WHEREAS, Pan Am Southern Railroad may submit an application for Site Plan review for a proposed bridge located along NYS Route 67 as part of the Intermodal and Automotive Facility to be located in the Towns of Halfmoon and Stillwater; and

WHEREAS, the application and plans will require extensive pre-application review and research by the Town's engineers and attorneys in support of actions requested by the applicant; and

WHEREAS, the Town of Stillwater Zoning Code permits the Town to require a deposit from the applicant into an escrow account to pay for the anticipated costs of such engineering and legal reviews; and

WHEREAS, the Town's Engineers, The Chazen Companies and the Town's Attorneys, Cutler, Trainor & Cutler, LLP, have submitted fee estimates for their services in letters attached hereto,

Now, therefore, be it

RESOLVED, an escrow account is hereby established for the pre-application review for Pan Am Southern Railroad regarding legal and engineering services in connection with a potential Site Plan application; and be it further

RESOLVED, that the Town's Engineer has recommended that \$5,000.00 be deposited for estimated engineering fees and the Town's Attorneys have recommended that another \$4,600.00 be deposited for the pre-application legal review for a total deposit of \$9,600.00 into the escrow account and to replenish said amounts once the escrow balance falls below \$2,000.00.

RESOLVED, that the Town Supervisor is authorized to pay for Pan Am Southern Railroad's project related engineering and legal services to those firms from the escrow account as those services are vouchered.

BUDGET IMPACT STATEMENT: None

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #8.

Discussion: Councilman Petronis inquired about the 1st paragraph and asked if it should be Town of Halfmoon and Town of Stillwater.

Supervisor Kinowski agreed that it should also reference the Town of Stillwater.

An amendment to the 1st paragraph of Resolution #8 was made to include the Town of Stillwater.

Sue Cunningham, Town Clerk took the roll call as follows:

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

Motion carried. Resolution #8 was adopted unanimously.

Resolution #9 Public Hearing / Town Ethics Law

Introduced by: Town Board

WHEREAS, Local Law No. 1 of 1999, was duly adopted on July 15, 1999 and amended by Local Law No. 1 of 2006 adopted on March 16, 2006, regarding Ethics in the Town of Stillwater; and

WHEREAS, the Town of Stillwater Board of Ethics has recommended that the Ethics Law be amended as detailed in the attachments hereto;

Now, therefore, be it

RESOLVED, that a public hearing be scheduled for Thursday, March 18, 2010 at 7:00 p.m. at the Stillwater Town Hall, Stillwater, New York 12170, to inform the public of the proposed amendment, and to consider the need and to review the public benefit to be gained by the proposed amendment; and be it further

RESOLVED, that all persons having an interest in the proposed amendment to Local Law No. Local Law No. 1 of 1999, as amended by Local Law No. 1 of 2006, are to be invited to attend the hearing or give oral or written statements concerning the proposed amendment that evening; and be it further

RESOLVED, that the Town Clerk is hereby directed to publish appropriate notice of the public hearing in the Express.

Motion by Councilman Baker and seconded by Councilman Bruno to adopt Resolution #9.

Discussion: Councilman Petronis questioned the budget impact of being none when you consider the cost of Attorney fees and publication of notice.

A brief discussion was held on this.

It was noted that the cost would only be from the publication.

Attorney Trainor stated that the changes being made to Local Law #1 of 2006 would end of being a total rewrite of Local Law #1 of 2006.

Sue Cunningham, Town Clerk took the roll call as follows:

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

Motion carried. Resolution #9 was adopted unanimously.

Resolution #10 CSEA Union Contract with Highway Employees

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #10.

Introduced by: Supervisor

WHEREAS the existing CSEA Union Contract with Highway Employees expired December 31, 2009; and

WHEREAS, the Town and Union representatives have negotiated a new agreement for the period of January 1, 2010 through December 31, 2012, as described in the attachment hereto;

Now, therefore, be it

RESOLVED, that the following amendment be added to the CSEA Union Contract: “or” to “and” in Article XIII Paragraph H.3. to state “...who are NYS Retirement eligible and are at least 55 years of age...”; and be it further

RESOLVED, that the Town Board hereby approves and authorizes the Supervisor to sign the attached agreement, as amended, with the Town’s Highway Unit of CSEA for the period of January 1, 2010 through December 31, 2012.

BUDGET IMPACT STATEMENT: Personal Services and Benefits for Highway Employees

Discussion: A brief discussion was held with John Curtis, Unit president.

Do to the discussion an amendment was made to Article XIII Section H Paragraph 3 of the Union Contract.

Sue Cunningham, Town Clerk took the roll call as follows:

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

Motion carried. Resolution #10 was adopted unanimously.

Supervisor Kinowski reported that Police Chief Latham has requested that the Town Board review a new applicant which would be a replacement. There could be some minor cost associated if some equipment has to be bought but as of now he was not advised of any cost. Discussion was held on cost involved and number of reserve officers there are.

Motion by Councilman Baker and seconded by Councilwoman Bruno to accept Chief Latham's proposal conditioned upon Supervisor Kinowski providing Board Members with additional information. **Motion carried.**

Public Input

Terry S. applauded the efforts of the Town Board on how the Resolutions are being presented to the residents.

Supervisor Kinowski stated that he has some of the information she inquired about at the first meeting if she would like to come in and discuss the information with him.

Mike C. inquired if the dehumidifier was ever installed in the Blockhouse, the Community Centers financial numbers, policies, and allowing liquor to be served at certain events, and the highway union contract in regards to the ethics law.

Councilman Petronis stated that the dehumidifier has been installed.

Councilman Baker stated that the Community Center made approximately \$2200 on their comedy night.

Councilwoman Bruno stated that the Community Center has a sub committee that is preparing policies; they are not changing the by-laws.

John Curtis, Highway Employee stated that Highway employees have signed a form in the past acknowledging they read the ethics law.

John V. questioned when the changes regarding the ethics law would be available, whether the Building Inspector took a civil service test for Director of Building, Planning & Zoning and if the Mobile Home Park updates have been passed yet.

Attorney Trainor stated that he would see the Town Clerk had a copy of the changes to the ethics law for his review.

Supervisor Kinowski stated that the Mobile Home Ordinance updates has not been adopted yet.

Shawn C commented on the physical address used in the Resolutions regarding the Town Hall.

Art F. inquired if the Town Board has read the contract regarding Resolution #10, inquired about the red flags along the upper part of Kellogg Rd and the contaminated soil from the boilerhouse property.

Councilman Petronis stated that red flags usually mean underground wires are located in the area.

Supervisor Kinowski stated that they have read the contract and in regard to the contaminated soil there specific laws that have to be followed in order to remove and dispose of the soil.

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

General Fund	#76-#94	\$3,783.08
Highway	#39-#48	\$3,310.98
Town Outside	#43-#44	\$127.47
Water & Sewer	#8-#10	\$332.03
Capital Projects (CSR)	#18-#20	\$46,816.31

Motion carried.

Motion by Councilman Baker and seconded by Councilman Petronis to adjourn into executive session for litigation purposes at 8:05 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk