

**Stillwater Town Board
Business Meeting & Public Hearing
March 18, 2010 7:00 PM
Stillwater Town Hall**

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

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

Absent: **Supervisor Ed Kinowski**

7:00 PM Public Hearing

Purpose: To afford the public the opportunity to comment on the proposed amendments to Local Law #1 of 2006, regarding the Code of Ethics in the Town of Stillwater.

Deputy Supervisor Baker called the meeting to order.

Sue Cunningham, Town Clerk took the roll call.

Public Input

Mike C. inquired as to what the changes were to the ethics law and if there would be any conflicts with the union contract.

Attorney Trainor explained the changes and if there would be any conflicts.

Art F. commented on the gender always referring to “he” and the Ethics Board.

Attorney Trainor stated that the changes would reflect “he or she”.

Councilwoman Whitman stated that the Ethics Board was a separate board and had nothing to do with the Town Board.

Councilman Petronis stated that he was not happy with portions of the changes that dealt with the \$25 down to \$0 gifts. He explained that this meant no one could even offer any workers a simple cup of coffee. He was also not in favor of those who owned their own business having to open their books for disclosure.

Discussion was held on the definition of gifts and annual disclosure of interest.

With everyone having the opportunity to be heard Deputy Supervisor Baker adjourned the public hearing at 7:30 PM

Business Meeting

Deputy Supervisor Baker called the business meeting to order and led everyone in the Pledge to the Flag.

Communications: None

Adoption of Minutes: **Motion** Councilman Petronis and seconded by Councilwoman Bruno to adopt the minutes of the February 18, 2010 Business Meeting of the Stillwater Town Board.

Motion carried.

Reports

Water: Councilwoman Whitman inquired if the water rate increase could be put in the upcoming water bills in order to save on postage.

Supt Minick stated that they would be putting a notice in with the bills.

Clean-Up Day: Councilwoman Whitman reported that spring clean-up day would be held May 8th.

CSR Contract #2:Supt Minick reported that the bid opening for the Cold Springs Road Contract #2 would be held on march 24th and the Board might want to consider awarding the bid at the April Agenda meeting as to not hold up the process.

Agenda Items

(Resolutions #11-#20 & #71 of 2009)

Resolution #11 Amending the Public Hearing Notification Policy & Sign Permit Policy Regarding Zoning and Planning Applications

Introduced by: Supervisor Kinowski

WHEREAS, a Public Hearing Notification Policy and Procedure was adopted in February 2006 providing for applicants for planning and zoning matters to chose between notifying homeowners themselves or having the Town do it on their behalf; and

WHEREAS, the Building Department recommends that his office prepare the mailings and collect the fees for mailing and newspaper publication in accordance with the revised policy attached hereto;

Now, therefore, be it

RESOLVED, that the Town Board hereby amends the Public Hearing Notification Policy and Procedure for planning and zoning matters and also adds a Sign Permit Policy as provided in the attachment hereto; and be it further

RESOLVED, that the Building Inspector and Code Enforcement Officer may modify the policy and procedure as needed to reflect updated postage or publication cost to the Town as necessary without further Town Board approval.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution # 11.

A roll call vote was taken on Resolution #11 as follows:

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

Motion carried unanimously.

Resolution #12 A Resolution to Schedule a Public Hearing To Amend Local Law No. 1 of 2007 Regarding the Department of Building, Planning and Development

Introduced by: Supervisor Kinowski

WHEREAS, Local Law No. 1 of 2007 enacted by the Town Board on January 4, 2007 established the Town of Stillwater Department of Building, Planning and Development; and

WHEREAS, by Resolution No. 1 of 2008 the Town Board amended the title of the department but did not hold a public hearing to rescind the Local Law; and

WHEREAS, a public hearing is required to amend the local law to update it with current titles and responsibilities;

Now, therefore, be it

RESOLVED, that the Town Board hereby schedules a Public Hearing for April 15, 2010, at 7:00 p.m. at the Town Hall, 66 East Street, Stillwater, New York to consider amending Local Law No. 1 of 2007 as provided in the attachment hereto; and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the Public Hearing in the Town's official newspaper.

Motion by Councilwoman Bruno and seconded by Councilwoman Whitman to adopt Resolution # 12.

A roll call vote was taken on Resolution #12 as follows:

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

Motion carried unanimously.

Resolution #13 Schedule a Public Hearing To Amend the Saratoga Lake PDD

Introduced by: Supervisor Kinowski

WHEREAS, the Saratoga Lake Planned Development District, commonly known as the “Stewarts PDD” near the intersection of County Route 76 and State Route 9P was adopted pursuant to Local Law No. 1 of 1996 and amended in its entirety by Local Law No. 2 of 2000; and

WHEREAS, Stewarts Shops Corp. wishes to amend the existing PDD to allow a portion of the property to be utilized for the uses permitted within a B-2 general business zone;

Now, therefore, be it

RESOLVED, that the Town Board hereby schedules a Public Hearing for April 15, 2010, at 7:00 p.m. at the Town Hall, 66 East Street, Stillwater, New York to consider amending the Saratoga Lake Planned Development District and Local Law No. 2 of 2000 as outlined in the attachment hereto; and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the Public Hearing in the Town’s official newspaper.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #13.

A roll call vote was taken on Resolution #13 as follows:

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

Motion carried unanimously.

Resolution #14 Schedule a Public Hearing To Consider Changes to The Town of Stillwater Zoning Regulations Regarding Lot Sizes for Non-Conforming Lots and Structures

Introduced by: Supervisor Kinowski

WHEREAS, the Town of Stillwater Zoning Regulations Article 3 currently requires them to meet the same lot width requirements for newly created lots and structures; and

WHEREAS, the Planning Board has recommended that changes to the Zoning Regulations be considered which would allow exceptions to the lot width requirements for pre-existing, non-conforming lots and structures as provided in the attachment hereto;

Now, therefore, be it

RESOLVED, that the Town Board hereby schedules a Public Hearing for April 15, 2010, at 7:00 p.m. at the Town Hall, 66 East Street, Stillwater, New York to consider amending the Town of Stillwater Zoning Regulations regarding lot width for pre-existing, non-conforming lots and structures; and be it further

RESOLVED, that the Town Clerk is directed to publish appropriate notice of the Public Hearing in the Town's official newspaper.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #14.

A roll call vote was taken on Resolution #14 as follows:

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

Motion carried unanimously.

Resolution #15 A Resolution Authorizing the Supervisor to Sign a Memorandum of Understanding With New York State Department of Transportation

Introduced by: Supervisor Kinowski

WHEREAS, the Town of Stillwater previously entered into a Memorandum of Understanding with the New York State Department of Transportation regarding Contract No. 1 for the Cold Springs Road Corridor Improvement project; and

WHEREAS, the Memorandum of Understanding provides for funding of the proposed improvements at no cost to the Town as provided for in the attachment hereto;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a Revised Memorandum of Understanding with the New York State Department of Transportation as proposed for the Cold Springs Road Corridor Improvement Project Contract No. 2 in a format substantially similar to that contained in the attachment hereto.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #15.

A roll call vote was taken on Resolution #15 as follows:

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

Motion carried unanimously

Resolution #16 A Resolution Authorizing the Supervisor to Sign a Memorandum of Understanding With Luther Forest Technology Campus Economic Development Corporation

Introduced by: _____

WHEREAS, the Town of Stillwater previously entered into the attached Memorandum of Understanding (“MOU”) and a First Supplement to MOU with the Luther Forest Technology Campus Economic Development Corporation (“LFTCEDC”) regarding Contract No. 1 for the Cold Springs Road Corridor Improvement Project (“CSR”); and

WHEREAS, the MOU and First Supplement MOU provide for funding of the proposed Contract No. 1 improvements at no cost to the Town and a similar MOU is needed to provide for funding/reimbursement for CSR Contract No. 2 expenses; and

WHEREAS, if New York State funding for Contract No. 2 gets delayed, it is anticipated that the State will cover the inevitable increase in project costs due to the delay;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to negotiate and sign a forthcoming Memorandum of Understanding with the Luther Forest Technology Campus Economic Development Corporation on similar terms as those contained in the attachments to provide for funding and/or reimbursement of expenses related to the Cold Springs Road Corridor Improvement Project Contract No. 2.

Motion by Councilwoman Whitman and seconded by Councilwoman Bruno to TABLE Resolution #16.

A roll call vote was taken to TABLE Resolution #16 as follows:

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

Motion carried unanimously. Resolution #16 was TABLED

Resolution #17 A Resolution Authorizing The Supervisor to Contract with Creighton Manning Engineering, LLP Regarding the Cold Springs Road Corridor Improvement Project Contract No. 2

Introduced by: _____

WHEREAS, in accordance with the attached correspondence, The Chazen Companies has recommended that the Town contract with Creighton Manning Engineering, LLP (“CME”) for construction administration and inspection services for the Contract No. 2 portion of the Cold Springs Road Corridor Improvement Project (“CSR”); and

WHEREAS, the proposed Supplemental Agreement has a projected cost of \$685,000.00 for said services, which cost is to be reimbursed to the Town; and

WHEREAS, the Town’s entry into the Supplemental Agreement with CME is contingent upon the Luther Forest Technology Campus Economic Development Corporation (“LFTCEDC”) signing a Memorandum of Understanding (“MOU”) with the Town providing for funding and/or reimbursement of all costs associated with CSR Contract No. 2;

Now, therefore, be it

RESOLVED, that, contingent upon LFTCEDC executing an MOU with the Town regarding funding and reimbursement, the Supervisor is hereby authorized to sign a Supplemental Agreement with Creighton Manning Engineering, LLP for construction administration and inspection services regarding Cold Springs Road Corridor Improvement Project Contract No. 2 in the amount of \$685,000.00, to be reimbursed by the State of New York through LFTCEDC.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #17.

A roll call vote was taken on Resolution #17 as follows:

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

Motion carried unanimously.

Resolution #18 A Resolution Authorizing a Grant In the Amount of \$2,500.00 to the Mechanicville/Stillwater Industrial Development Agency

Introduced by: Supervisor Kinowski

WHEREAS, the Mechanicville/Stillwater Industrial Development Agency helps the municipalities in attracting businesses to locate within either the City or the Town; and

WHEREAS, the Industrial Development Agency currently has no direct avenue for funding its operations other than project-related fees, which are inconsistent;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes a grant to the Mechanicville/Stillwater Industrial Development Agency in the amount of \$2,500.00, which amount is expected to be matched by the City of Mechanicville in the near future.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #18.

A roll call vote was taken on Resolution #18 as follows:

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

Motion carried unanimously.

Resolution #19 A Resolution to Renew Water Contract With the City of Mechanicville

Introduced by: Supervisor Kinowski

WHEREAS, the existing water supply contract between the Town of Stillwater and City of Mechanicville (“City”) expires on June 30, 2010 and the City has proposed extending the existing contract for two (2) years at a rate of \$4.20 per 100 cu/ft; and

WHEREAS, the Supervisor recommends the contract extension as described in the correspondence and contract attached hereto;

Now, therefore, be it

RESOLVED, that the Supervisor is hereby authorized to sign a two (2) year water supply contract extension with the City of Mechanicville at a rate of \$4.20 per 100 cu/ft as described in the attached correspondence and the existing contract.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #19.

A roll call vote was taken on Resolution #19 as follows:

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

Motion carried unanimously.

Resolution #20 A Resolution Retaining Walsh & Walsh, LLP as Bond Counsel

Introduced By: Councilwoman Whitman

WHEREAS, the Town retained Joseph M. Walsh, Esq., and the law firm of Walsh & Walsh, LLP in 2008 and 2009 as its Bond Counsel; and

WHEREAS, the Town desires to retain Walsh and Walsh, LLP to serve as bond counsel through December 31, 2010.

Now, therefore, be it

RESOLVED, that the Town hereby retains Joseph M. Walsh, Esq., and the law firm of Walsh & Walsh, LLP, to serve as Bond Counsel to the Town of Stillwater through December 31, 2010 and shall be paid a set fee for transactions and on an hourly basis for other services at \$250.00 per hour.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #20.

A roll call vote was taken on Resolution No. 20 as follows:

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

Motion carried unanimously.

**Resolution #71 A Resolution Authorizing Execution of Environmental Easement
Regarding Boilerhouse/Brownfield Project**

WHEREAS, the Town acquired ownership of the Boilerhouse/Brownfield property by virtue of a deed from BAO BAO, Inc. dated October 27, 2004 and recorded in the Saratoga County Clerk's Office on November 10, 2004 in Book 1701 of Deeds at Page 373; and

WHEREAS, the Town took title to the property and undertook Environmental Restoration of the property stemming from prior contamination of the property; and

WHEREAS, the New York State Department of Environmental Conservation (“NYSDEC”) has requested an Environmental Easement over the entire parcel. A copy of the proposed Easement is attached to this Resolution, the purpose of which is to convey to NYSDEC real property rights and interests that will run with the land in perpetuity in order to provide an effective and enforceable means to encourage the reuse and redevelopment of this property at a level that has been determined to be safe for a specific use while ensuring the performance of operation, maintenance, and/or monitoring requirements, and to ensure the potential restriction of future uses of the property that are inconsistent with the above-stated purposes.

Now, therefore, be it

RESOLVED, that the Supervisor is authorized to sign the said Environmental Easement and that the Building Inspector – Code Enforcement Officer’s office shall oversee the annual submission to NYSDEC the written statement as required under Article 2F of the attached Easement.

Motion by Councilman Baker and seconded by Supervisor Connelly to TABLE Resolution #71.

A roll call vote was taken to TABLE Resolution No. 71 as follows:

Supervisor Connelly	YES
Councilman Baker	YES
Councilman Petronis	ABSENT
Councilwoman Whitman	YES
Councilwoman Bruno	YES

Motion by Councilwoman Whitman to reintroduce Resolution #71 of 2009 and seconded by Councilwoman Bruno was made on March 18, 2010.

A roll call vote was taken to reintroduce Resolution #71 of 2009 as follows:

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

Motion carried unanimously

Motion by Councilwoman Bruno and seconded by Councilwoman Whitman to adopt Resolution #71 of 2009.

A roll call vote was taken on Resolution #71 of 2009 as follows:

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

Motion carried unanimously.

Public Input

Margaret M. inquired if the resolutions were available to read prior to the meeting or the Town Board voting on them.

Councilwoman Whitman stated that extra copies are usually available out on the desk by the agenda and on the windowsill.

Art F. inquired about who & when the ethics board was picked and if the Saratoga Lake PDD was the same as Brown’s Beach.

Deputy Supervisor Baker stated that they have had an ethic board for a while now and that the Saratoga Lake PDD had nothing to do with Browns Beach.

Mike C. questioned if Resolution #20 was put out to bid and requested Councilwoman Whitman stated that it was not put out to bid.

John V commented on Resolution #12, #13, & #14 being public hearings. He continued to comment on the title of the now Building Inspector.

Audited Claims

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

General	#116-#142	\$5,424.96
Highway	#56-#57	\$219.81
Town Outside	#97-#127	\$77,151.20
Water & Sewer	#14-#20	\$69,305.41
Capital Projects	#26-#27	\$1,207.50

Motion carried

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adjourn the Business Meeting of the Stillwater Town Board at 8:10 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham
Stillwater Town Clerk.