

**Stillwater Town Board**  
**Agenda Meeting & Public Hearing**  
*Section 8 Housing*  
**April 1, 2010 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**  
                          **James Trainor, Attorney for the Town**  
                          **Joe Lanaro, Engineer for the Town**

**Absent:**             **Mark Minick, Supt of Highways**

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

Sue Cunningham, Town Clerk took the roll call.

**Public Hearing**        ***Section 8 Housing***

***Purpose:*** *The purpose of the public hearing is to receive comments from the public on the town's proposed Agency Plan for 2010 for the Section 8 Housing Choice Voucher Program.*

Jim Mastriani representing Joseph E. Mastrianni, INC gave a brief summary of the program background and current program statistics. (Copy on file in the Town Clerk's Office.)

**Public Input**

Art F. inquired if varnish tested the same as lead paint.

Mr. Mastriani stated that varnish would be treated the same as lead paint if it has lead in it.

With everyone having the opportunity to comment Supervisor Kinowski closed the public hearing at 7:15 PM.

**Agenda Meeting**

Supervisor Kinowski called the agenda meeting to order.

**Adoption of Minutes: Motion** by Councilman Baker and seconded by Councilwoman Bruno to adopt the minutes of the March 4, 2010 Agenda Meeting. **Motion carried.**

**Reports**               **(Town Board Members & Dept Heads)**

**Councilwoman Whitman**

**Library:** Councilwoman Whitman reported that she and Councilwoman Bruno attended a meeting at the Library on March 13<sup>th</sup> regarding public input on future growth.

**Route 4:** Councilwoman Whitman stated that she spoke with someone from NYSDOT in regard to repairs to Route. She was informed that there is no road maintenance scheduled for repairs.

**Day at the Races:** Councilwoman Whitman reported that the Day at the races is scheduled for August 22, 2010.

**Recreation Fields:** Councilwoman Whitman recommended that the Town Board consider having ball organizations register with the Town as to when they would like to use the fields.

Supervisor Kinowski stated that he was informed that the Legion fields were under utilized if they know of anyone who would like to use those fields.

After discussion was held on how and who would handle this Councilwoman Whitman stated that she would handle this.

Supervisor Kinowski suggested that Councilwoman Whitman see what the organizations have to say about the concept and then co-ordinate something with Councilman Baker.

**Supervisor Kinowski**

**Public Hearings:** Supervisor Kinowski reported that there would be three possibly three public hearings at the April 15<sup>th</sup> Town Board meeting.

911 Updates: Supervisor Kinowski reported on the 911 changes that will be affecting residents along the Route 4 & 32 corridor. He commented on the advertisements, workshops held, updates at Town Board meetings, door to door notification. He believes that the 911 administrator went above and beyond notification of the changes.

Water: Supervisor Kinowski stated that there are two main issues that need to be dealt with in executive session this evening in regard to contracts.

Saratoga Lake Cluster: Supervisor Kinowski reported that the Planning Board has made their recommendation and submitted it to the Town Board. He commented on the process and stated that he would like to see the process changed in order to speed up the process.

Supervisor Kinowski stated that he was not in favor of the sidewalks and would rather see the road widened instead.

Councilwoman Petronis agreed with the sidewalk issue but had concerns with the emergency road. He felt that there should be another entrance which was more defined.

The Town Board agreed that there should be another entrance.

Supervisor Kinowski asked if Mr. Lynch representing the Saratoga Lake Cluster PDD applicant would like to speak.

Peter Lynch representing Victor Gush stated that they were not in favor of the sidewalks but conceded because it was what the Planning Board wanted. As for the emergency access road it would not meet the Town Highways Standards.

A brief discussion was held on keel Lane being used as an emergency access road.

Supervisor Kinowski inquired if anyone from the problem had a comment.

Karen L commented on water draining into Saratoga Lake, sidewalks vs widening the road and the possibility of having a bike path/sidewalk.

**Motion** by Councilwoman Bruno and seconded by Councilwoman Whitman to authorize the Town Clerk to advertise a public hearing for the Saratoga Cluster PDD for May 6, 2010 at 7:00 PM. **Motion carried unanimously.**

Mobile Home Ordinance: Supervisor Kinowski stated that the Mobile Home Ordinance was not publishable as of yet and that the Town Board was working on it.

Sex Offender Law: Supervisor Kinowski stated that he was approached about the Town sponsoring a Sex Offender Local Law. He stated that the Town Attorney had some concerns and made recommendations which the Board will review. He stated that the Board will further address the issue at the next agenda meeting or possibly set a public hearing.

Ethics Form: Supervisor Kinowski submitted a Code of Ethics Financial Disclosure Form similar to what the County uses for the Town Board to review.

Boilerhouse: Supervisor Kinowski inquired if the Attorney had an update on the Boilerhouse property.

Attorney Trainor stated that the Town can sell or lease the property but there are restrictions, disclosures and public hearing that will be needed.

Engineer Lanaro stated that he has information in the Engineers report on what can be done with the property.

4/15 Public Hearings: Supervisor Kinowski spoke on the purpose of three scheduled public hearings. He stated that he may recommend the public hearing for building department be postponed or canceled.

Projector: Supervisor Kinowski stated that the projector is working and soon he will be able to display the Resolution on the wall for residents to review.

### **Councilman Baker**

Community Center: Councilman Baker requested that the Town Board consider an emergency expenditure of \$7,700 for the Community Center roof which is leaking.

**Motion** by Councilwoman Whitman and seconded by Councilman Petronis to authorize the expenditure of \$7,700 for repairs to the Community Center roof. **Motion carried unanimously,** Councilman Baker will oversee the project.

### **Councilman Petronis**

Councilman Petronis reported he would not be here for the Business Meeting.

### **Councilwoman Bruno**

Library: Councilwoman Bruno requested that the Town Clerk put some Library information in the welcome packets that she mails out to new residents.

Sue Cunningham, Town Clerk informed her that she already puts in a brochure that the Library supplied her with.

Website: Councilwoman Bruno stated that she would like to the website improved.

Community Center: Councilwoman Bruno reported that the Community Center would be holding a breakfast with the Easter Bunny and an Easter Egg Hunt.

Police Dept: Councilwoman Bruno reported that the Chief of Police is attending the Family Day Committee meetings and also attended the Library meeting.

**Town Attorney (James P. Trainor)**

CSR: Attorney Trainor reported that 82 of the 84 easements have been acquired.

**Town Engineer (Joe Lanaro)**

Engineer Lanaro submitted an Engineer report for the Board to review and gave a brief overview of the report. (A copy of the report can be viewed in the Town Clerks office).

**Public Input**

Supervisor Kinowski stated that after public input the Town Board would be adjourning into executive session for contractual purposes. He said that they may come out of executive and act on a couple of resolutions regarding water.

Carl M. representing Civil Air Patrol gave a brief overview about Civil Air Patrol in regard to the corporation, emergency services, cadet programs and aerospace programs. He stated that they would be holding an open house at the Stillwater Community Center on April 16<sup>th</sup> at 7:00PM for Boys & girls ages 12 to 18.

John Basile, Village Trustee gave a brief time line and status report on the Village water line project. The Village is looking for a pair of resolutions from the Town that would clear the way their water pipe project. He also informed the Town that the Village was awarded a grant and low interest loan for the project.

Jim C. inquired if there were two pieces of Town equipment in The Revolutionary Heights Development.

Councilman Petronis stated that there were two pieces of town equipment near there that was being used for putting in the water line.

Karen L. inquired if the Ethics Board could request an investigation or request prosecution and who holds the Town Board accountable.

Attorney Trainor stated that if the Town Board determines that if a conflict of interest may or not may not exist, the Town Board shall seek an advisory opinion as to whether a conflict of interest does exist and what action should be taken to resolve the conflict of interest but it will be up to the Town Board to act on what action is to be taken to resolve the issue.

Jim C. inquired why former Supervisor Connors is still on the Saratoga County Water Committee.

Supervisor Kinowski stated that you don't have to a sitting Supervisor and he was put on the committee when he was acting supervisor and has remained. Supervisor Kinowski commented that he is looking into this. He stated that he has attended the last three water committee meetings and the former Supervisor has been present and been vocal on.

Art F. commented on the Ethics Law in regard to gift limit being \$0. He believes a limit should be set but not at \$0.

Art G inquired as to the hours of the Highway Dept.

Supervisor Petronis stated that their hours are 7 AM to 3 PM.

**Audited Claims**

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

General	#173-#169	\$13,269.18
Highway	#58-#64	\$10,338.30
Town Outside	#128-#146	\$7,383.56
Water & Sewer	#21-#26	\$1,507.26
Capital Projects	#28-#29	\$9,848.49

**Motion carried.**

**Motion** by Councilman Baker and seconded Councilman Petronis to adjourn the Agenda meeting of the Stillwater Town Board and enter into executive session for contractual purposes at 9:15 PM. **Motion carried.**

**Motion** by Councilwoman Whitman and seconded by Supervisor Kinowski to resume the Agenda Meeting at 10:05 PM. **Motion carried.**

**Action Items**

**Resolution #21 & #22**

**Resolution #21**

*Granting Permission For Village of Stillwater Water Line Through Town Property*

Introduced By: Supervisor Kinowski

WHEREAS, the Village of Stillwater (“Village”) has requested that the Town of Stillwater (“Town”) consent to the construction of a Village water line through Town property at the corner of County Route 76 and Whitney Road South; and

WHEREAS, the Village owns and operates a certain well field along the Hudson River that supplies drinking water to residents of the Village and Town; and

WHEREAS, in July 2008, the New York State Department of Health advised the Village that the Village’s water supply was contaminated by Polychlorinated Biphenyls (PCBs); and

WHEREAS, the United States Environmental Protection Agency subsequently advised the Village that that a connection existed between the Hudson River and the Village’s well field, and that the level of PCB contamination in the Village’s water supply exceeds the New York State groundwater standard of 90 parts per trillion; and

WHEREAS, in 2009, the United States Environmental Protection Agency (“EPA”) commenced the Hudson River PCB Superfund dredging project; and

WHEREAS, the EPA has issued an Administrative Order regarding the installation and operation of a temporary Granulated Activate Carbon filtration system at the Village’s water treatment plant for a period of 21 months; and

WHEREAS, the Village entered into an Administrative Tribunal Decision and Stipulation with the New York State Department of Health to connect the Village to a new water supply on or before February 15, 2011; and

WHEREAS, the Village desires to construct a new water line connection to the Saratoga County Water Authority water supply; and

WHEREAS, the Village wants the water line to run from the Saratoga County Water Authority north along Cold Springs Road, then east on County Route 76, then east on Dunn Road; then to the Village water tank on Dick Lynch Road; then continuing on County Route 76 to Chestnut Lane; and then to the Village water tank at Saratoga Hills Mobile Park; and

WHEREAS, the Village desires that the Town grant permission for the construction of said water line through Town land at Tax Map Parcel 230.12-1-46 as set forth in a map prepared by Chazen Engineering, Land Surveying & Landscape Architects Co., P.C., dated January 18, 2010, which is annexed hereto;

Now, therefore, be it

RESOLVED, that the Town Board authorizes and grants permission to the Village of Stillwater to connect a water line parallel to County Route 76 and through the above-described Town land at the corner of County Route 76 and Whitney Road South (SBL 230.12-1-46) totaling 535 square feet and 1574 square feet of property, respectively as depicted on the above-referenced map attached hereto; and be it further

RESOLVED, that said permission is conditioned upon the Village of Stillwater agreeing in writing to indemnifying and holding the Town harmless from any liability claims that may arise out of the project; and be it further

RESOLVED, that said permission is further conditioned upon the Village of Stillwater providing the Town with a Certificate of Insurance naming the Town as an additional insured on the Project, and a Performance Bond to ensure completion of the Project, both in the principal amount of \$1 million; and be it further

RESOLVED, that the Town Supervisor, Town Clerk and Town Highway Superintendent are authorized to execute all documents and perform such actions necessary to implement the purposes of this resolution.

**Motion** by Supervisor Kinowski and seconded by Councilwoman Bruno to adopt Resolution #21.

A roll call vote was taken on Resolution #21 as follows:

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

**Motion Carried unanimously.**

**Resolution #22      Authorizing Highway Permits For Village of Stillwater Water Line**

Introduced By: Supervisor Kinowski

WHEREAS, the Village of Stillwater (“Village”) has requested that the Town of Stillwater (“Town”) authorize highway permits for the construction of a Village water line; and

WHEREAS, the Town Board recognizes that the most basic function of government is the protection of the health and security of its citizens; and

WHEREAS, the Village owns and operates a certain well field along the Hudson River that supplies drinking water to residents of the Village and Town; and

WHEREAS, in July 2008, the New York State Department of Health advised the Village that the Village’s water supply was contaminated by Polychlorinated Biphenyls (PCBs); and

WHEREAS, the United States Environmental Protection Agency subsequently advised the Village that that a connection existed between the Hudson River and the Village’s well field, and that the level of PCB contamination in the Village’s water supply exceeds the New York State groundwater standard of 90 parts per trillion; and

WHEREAS, in 2009, the United States Environmental Protection Agency (“EPA”) commenced the Hudson River PCB Superfund dredging project; and

WHEREAS, the EPA has issued an Administrative Order regarding the installation and operation of a temporary Granulated Activate Carbon filtration system at the Village’s water treatment plant for a period of 21 months; and

WHEREAS, the Village entered into an Administrative Tribunal Decision and Stipulation with the New York State Department of Health to connect the Village to a new water supply on or before February 15, 2011; and

WHEREAS, the Village desires to construct a new water line connection to the Saratoga County Water Authority water supply; and

WHEREAS, the Village wants the water line to run from the Saratoga County Water Authority north along Cold Springs Road, then east on County Route 76, then east on Dunn Road; then to the Village water tank on Dick Lynch Road; then continuing on County Route 76 to Chestnut Lane; and then to the Village water tank at Saratoga Hills Mobile Park; and

WHEREAS, the Village desires that the Town authorize and approve the highway permits for the construction of said water line along those Town lands and highways as set forth in a map prepared by Chazen Engineering, Land Surveying & Landscape Architects Co., P.C., dated February 2, 2010, which is annexed hereto;

Now, therefore, be it

RESOLVED, that the Town Board authorizes and approves the requested Village highway permits along the above-described Town lands and highways for the construction of the aforesaid Village water line depicted in the above-described map annexed hereto; and be it further,

RESOLVED, that said permission is conditioned upon the Village of Stillwater agreeing in writing to indemnifying and holding the Town harmless from any liability claims that may arise out of the project; and be it further

RESOLVED, that said permission is further conditioned upon the Village of Stillwater providing the Town with a Certificate of Insurance naming the Town as an additional insured on the Project, and a Performance Bond to ensure completion of the Project, both in the principal amount of \$1 million; and be it further

RESOLVED, that the Town Supervisor, Town Clerk and Town Highway Superintendent are authorized to execute all documents and perform such actions necessary to implement the purposes of this resolution.

**Motion** by Councilwoman Bruno and seconded by Supervisor Kinowski to adopt Resolution #22.

A roll call vote was taken on Resolution #22 as follows:

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

**Motion carried unanimously.**

**Motion** by Councilman Baker and seconded by Councilman Petronis to adjourn the Agenda Meeting of the Stillwater Town Board at 10:05 PM. **Motion carried.**

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk.