

**Stillwater Town Board  
Agenda Meeting  
May 20, 2010 7:00 PM  
Stillwater Town Hall**

**Present:**                   **Councilman Artie Baker  
Councilwoman Virginia Whitman  
Supervisor 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:**                   **Councilman Petronis  
Councilwoman Bruno**

Supervisor Baker called the 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 Councilman Baker to adopt the minutes of the April 15, 2010 Stillwater Town Board regular meeting. **Motion carried.**

**Communications:** Sue Cunningham, Town Clerk informed the Board that there was one communication from the Planning Board in regard to their recommendations on the Saratoga Pointe PDD.

After a brief discussion the consensus was to do a resolution this evening scheduling a public hearing in June.

**Agenda Items                   Resolutions #30-#40**

**Resolution #30               Finding That the Saratoga Lake Cluster Planned Development District Will Not Have a Significant Environmental Impact**

WHEREAS, by Resolution No. 23 of 2010, adopted by the Town Board on April 15, 2010, the Town Board determined that the proposed Type 1 action pursuant to 6 NYCRR Part 617.4 (SEQRA) and declared its intent to serve as lead agency for the coordinated SEQRA evaluation; and

WHEREAS, by Resolution No. 24 of 2010, adopted by the Town Board on April 15, 2010, the Saratoga Lake Cluster PDD was referred to the Saratoga County Planning Board for its review; and

WHEREAS, a Public Hearing was conducted at a Town Board meeting on May 6, 2010 at which the environmental impacts of the project were presented and discussed; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in 6 NYCRR 617.7(c) and has duly considered the proposed Negative Declaration attached hereto prepared by the Chazen Companies; and

Now, therefore, be it

RESOLVED, that the Town Board, acting as lead agency for the coordinated SEQRA evaluation of the Saratoga Lake Cluster Planned Development District hereby determines that the proposed action will have a significant environmental impact and has prepared an environmental impact statement pursuant to the applicable standards of 6 NYCRR Part 617 (SEQRA); and be it further

RESOLVED, that the Town Board authorizes the dissemination of the Notice of Determination of Non-Significance to all involved and interested agencies.

**Resolution #31        Adopt Local Law #2 of 2010 Regarding Saratoga Lake Cluster  
Planned Development District**

WHEREAS, a public hearing was appropriately noticed for and conducted on May 6, 2010 to consider Local Law #2 of 2010, regarding Saratoga Lake Cluster Planned Development District, where comments from the public and board members were presented and considered;

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law #2 of 2010, a Local Law regarding Saratoga Lake Cluster Planned Development District as proposed in the attachment hereto; and be it further

RESOLVED, that the Town Clerk shall file Local Law #2 of 2010 with the New York Secretary of State forthwith.

**Resolution #32        Finding That the Amendments to the Saratoga Lake Planned  
Development District Will Not Have a Significant Environmental Impact**

WHEREAS, a Public Hearing was conducted at a Town Board meeting on April 15, 2010 at which the environmental impacts of the project were presented and discussed; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in 6 NYCRR 617.7(c) and has duly considered the proposed Negative Declaration prepared by the Chazen Companies; and

Now, therefore, be it

RESOLVED, that the Town Board, acting as lead agency for the coordinated SEQRA evaluation of the Saratoga Lake Planned Development District hereby determines that the proposed unlisted action will not have a significant environmental impact and therefore determines that a draft environmental impact statement will not be prepared pursuant to the applicable standards of 6 NYCRR Part 617 (SEQRA); and be it further

RESOLVED, that the Town Board authorizes the dissemination of the attached Notice of Determination of Non-Significance to all involved and interested agencies.

**Resolution #33        Adopt Local Law #3 of 2010 Regarding Saratoga Lake Planned  
Development District**

WHEREAS, a public hearing was appropriately noticed for and conducted on April 15, 2010 to consider Local Law #3 of 2010, regarding Saratoga Lake Planned Development District, where comments from the public and board members were presented and considered;

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law #3 of 2010, a Local Law amending the Saratoga Lake Planned Development District as proposed in the attachment hereto; and be it further

RESOLVED, that the Town Clerk shall file Local Law #3 of 2010 with the New York Secretary of State forthwith.

**Resolution #34        Finding That Changes to The Zoning Regulations Regarding Lot  
Sizes for Non-Conforming Lots and Structures Will Not Have a Significant  
Environmental Impact**

WHEREAS, a Public Hearing was conducted at a Town Board meeting on April 15, 2010 at which the environmental impacts of the project were presented and discussed; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining significance in 6 NYCRR 617.7(c) and has duly considered the proposed Negative Declaration attached hereto prepared by the Chazen Companies; and

Now, therefore, be it

RESOLVED, that the Town Board, acting as lead agency for the coordinated SEQRA evaluation of the changes to the Zoning Regulations Regarding Lot Sizes for Non-conforming Lots and Structures hereby determines that the proposed action will not have a significant environmental impact and therefore determines that a draft environmental impact statement will not be prepared pursuant to the applicable standards of 6 NYCRR Part 617 (SEQRA); and be it further

RESOLVED, that the Town Board authorizes the dissemination of the attached Notice of Determination of Non-Significance to all involved and interested agencies.

**Resolution #35      Adopt Local Law No. 4 of 2010 Regarding a Local Law Changing the Town Zoning Regulations**

WHEREAS, a public hearing was appropriately noticed for and conducted on April 15, 2010 to consider Local Law #4 of 2010, regarding changes to the Zoning Regulations Regarding Lot Sizes for Non-conforming Lots and Structures, where comments from the public and board members were presented and considered;

Now, therefore, be it

RESOLVED, that the Town Board hereby adopts Local Law #4 of 2010, a Local Law regarding changes to the Zoning Regulations Regarding Lot Sizes for Non-conforming Lots and Structures as proposed in the attachment hereto; and be it further

RESOLVED, that the Town Clerk shall file Local Law #4 of 2010 with the New York Secretary of State forthwith.

**Resolution #36      Declaring Highway Equipment Surplus**

WHEREAS, the Highway Superintendent has declared that the equipment listed in the attachment hereto has no further useful life to the Town Highway Department and therefore declares them to be “surplus” and requests that he be authorized to sell the equipment at auction; and

WHEREAS, the General Municipal Law allows surplus town equipment to be sold to the highest bidder at auction;

Now, therefore, be it

RESOLVED, that the highway equipment listed in the attachment is hereby determined to be surplus equipment and the Highway Superintendent is authorized to sell the equipment at auction to the highest bidder.

**Resolution #37:      Authorizing the Highway Superintendent to Purchase Equipment and/or Solicit Bids for Purchase of Equipment**

WHEREAS, the Highway Superintendent has identified a need to purchase equipment as identified in the attachment hereto; and

WHEREAS, the Highway Superintendent has identified that some of the equipment listed on the attachment hereto may be available through the State Contract and some equipment may require competitive bidding; and

WHEREAS, the items selected off the New York State contract are exempt from the competitive bidding requirements of the General Municipal Law;

Now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to advertise for bids and/or purchase the equipment identified in the attachment hereto from State Contract.

**Resolution #38      Approving the Hiring of an Appraiser for the Song Hill Tax Certiorari Matter**

WHEREAS, the Song Hill property owners have recently commenced a tax certiorari against the Town of Stillwater to challenge the assessment on its property; and

WHEREAS, it is necessary to hire a certified appraiser to value the property in order to appropriately defend the litigation.

Now, therefore, be it

RESOLVED, that Neil Cherkosly of Upstate Appraisal Services, Inc. is hereby retained to provide the Town of Stillwater with a preliminary evaluation report at a cost not to exceed \$2,000.00, and, if necessary, a formal appraisal at a cost not to exceed \$2,000.00 for a total of \$4,000.00 in order to defend the Song Hill tax certiorari proceeding.

**Resolution #39      Accepting the Conveyance of Certain Property Interests Regarding Cold Springs Road Project**

WHEREAS, the Town of Stillwater has acquired title to three (3) small parcels belonging to the City of Mechanicville through the Eminent Domain process as of May 17, 2010; and

WHEREAS, the City has asked the Town to consider accepting the conveyance of all three (3) parcels in fee which requires a Town Board resolution;

Now, therefore, be it

RESOLVED, that the Town will accept the conveyance of the property interests described in the attachments hereto in fee conditional upon the City providing the Town with a signed Warranty Deed, an Indemnification and Hold Harmless Agreement, and an Affidavit assuring there are no title, environmental, archeological, litigation or other problems relating to the properties, and subject to the review and approval of the necessary documents to close the transaction by the Attorneys and Engineers for the Town.

**Resolution #40      Authorizing the Highway Superintendent to Purchase Water Meters**

WHEREAS, Resolutions 165, 205 and \_\_\_\_\_ of 2006 authorized the Highway Superintendent to purchase water meters for Water District No. 1; and

WHEREAS, bids were solicited for 500 water meters of which 250 have been purchased to date; and

WHEREAS, the vendor has agreed to continue the 2006 pricing per unit for the remaining 250 water meters;

Now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to purchase the balance of the 500 water meters included in the 2006 bid specification at a cost not to exceed \$45,000.00.

**Motion** by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #30 thru #35.

A roll call vote was taken as follows by the Town Clerk:

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

**Motion carried.** Resolutions #30 thru #35 were adopted unanimously.

Resolution #36: Surplus Equipment

**Motion** by Councilwoman Whitman to table Resolution #36.

**Motion defeated:** There was no second to Resolution #36.

Discussion: After a brief discussion the consensus of the Town Board was to amend the resolution to declare the Street Sweeper surplus but to remove the part that the Highway Superintendent is authorized to sell the equipment at auction to the highest bidder until at which time the entire Town Board is present to discuss.

**Resolution #36** (As Amended)

WHEREAS, the Highway Superintendent has declared that the equipment listed in the attachment hereto has no further useful life to the Town Highway Department and therefore declares it to be “surplus;” and

WHEREAS, the General Municipal Law allows surplus town equipment to be sold to the highest bidder at auction;

Now, therefore, be it

RESOLVED, that the highway equipment listed in the attachment is hereby determined to be surplus equipment but no auction is to be conducted until further resolution of this Board.

**Motion** by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #36 as amended.

A roll call vote was taken as follows by the Town Clerk:

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

**Motion carried.** Resolution #36 was adopted as amended unanimously.

Resolution #37

Discussion: Supervisor Kinowski stated that he would like the wording changed in the Resolution allowing the Highway Supervisor to advertise for bids for highway equipment but not purchase. He would like the entire Board present to vote on the purchase of equipment.

**Resolution #37** (As Amended)

WHEREAS, the Highway Superintendent has identified a need to purchase equipment as identified in the attachment hereto; and

WHEREAS, the Highway Superintendent has identified that some of the equipment listed on the attachment hereto may be available through the State Contract and some equipment may require competitive bidding; and

WHEREAS, the items selected off the New York State contract are exempt from the competitive bidding requirements of the General Municipal Law;

Now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to advertise for bids for the equipment identified in the attachment hereto which is not available from State Contract but all equipment on State Contract will require further Board approval before its purchase.

**Motion** by Councilwoman Whitman and seconded by Councilman Baker to adopt Resolution #37 as amended.

A roll call vote was taken as follows by the Town Clerk.

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

**Motion carried.** Resolution #37 was adopted as amended unanimously.

Resolution #38

**Motion** by Councilman Baker and seconded by Councilwoman Whitman to adopt Resolution #38.

Discussion: A brief discussion was held on the cost.

A roll call vote was taken as follows by the Town Clerk:

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

**Motion carried.** Resolution #38 was adopted unanimously.

Resolution #39

Supervisor Kinowski stated that on the advice of the Attorney Resolution #39 was being pulled from the table.

Resolution #40

**Motion** by Councilman Baker and seconded by Councilwoman Whitman to adopt Resolution #40.

Discussion: a brief discussion was held on cost and monies available.

A roll call vote was taken as follows by the Town Clerk:

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

**Motion carried.** Resolution #40 was adopted unanimously contingent upon the location of the monies.

With resolution #39 being pulled a new Resolution was introduced in its place.

**Resolution #39 Public Hearing for Saratoga Pointe**

WHEREAS, the Town Board has received recommendations from the Planning Board dated May 3, 2010 and wishes to schedule a Public Hearing to consider the Saratoga Pointe PDD;

Now, therefore, be it

RESOLVED, that the Town Board hereby schedules a Public Hearing for June 17, 2010, at 7:00 p.m. at the Town Hall, 66 East Street, Stillwater, New York to consider Local Law No. \_\_\_\_\_ of 2010 Regarding Saratoga Point PDD 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 Whitman and seconded by Councilman Baker to adopt Resolution #39.

A roll call vote was taken as follows by the Town Clerk:

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

**Motion carried.** Resolution #39 was adopted unanimously.

**Public Input**

Marty D. inquired on the status of CSR in regard to receiving monies from the State and the actual Town Debt.

Supervisor Kinowski stated that there is a hold on CSR contract #2 possibly until the State budget is passed. In regard to the Town actual debt he said that in the conference room he has charts on the Towns budget and debt and anyone interested may contact him during the week, he is more than willing to go over the charts and explain them in detail.

Bob K. spoke in regard to a life threatening incident that happened on Saratoga Lake July of 2009. The incident pertained to an almost drowning victim who was in need of immediate medical care which instead of waiting for 30 minutes for an ambulance he decided to drive the victim to the hospital. On his way he seen a Stillwater Police vehicle pulled off to the side of road at which time he stopped and requested a police escort and was informed that the officer was not allowed to leave Stillwater's jurisdiction. He wanted to know who & where this directive came from and thought that the Police Dept was there to protect and save lives. Supervisor Kinowski stated that if the gentlemen would leave his name & number he would look into this matter and personally respond to him.

Art F inquired about Resolution #38.

Supervisor Kinowski stated that this Resolution was for on going Litigation regarding assessments.

John V commented that he heard Saratoga Hills Park was sold and asked if anyone knew of this. Supervisor Kinowski stated that he has heard nothing.

**Audited Claims**

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

General	#216-#234	\$6,394.92
Highway	#203-#225	\$23,759.68
Town Outside	#77-#82	\$10,123.7
Water & Sewer	#36-#38	\$976.56
Capital Projects (CSR)	#37-#38	\$93,624.85

**Motion carried.**

Supervisor Kinowski reported that the Town's Insurance coverage has increased but the premium was reduced.

**Motion** by Councilwoman Whitman and seconded by Councilman Baker to adjourn into executive session for litigation purposes at 8:15 PM.

Respectfully submitted by

Sue Cunningham  
Stillwater Town Clerk