

**Stillwater Town Board
Business Meeting
June 17, 2010 7:00 PM
Stillwater Town Hall**

Present: **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**

Absent: **Councilman Artie Baker**

Supervisor Kinowski called the meeting 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 Petronis to adopt the minutes of the May 20, 2010 minutes of the Stillwater Town Board.

Motion carried.

Communications: Supervisor Kinowski had two communications.

1. A letter from the Mechanicville Public Library requesting funds to offset outside users of the Library. They were requesting \$5,000 instead of the \$3,500 that has been requested in the past. The consensus of the Board was to consider the request and offer a resolution at a future date.
2. DeCrescente has requested interest on the Boilerhouse property. The Town has the option to lease the property without haven't to pay back the grants like they would have to if they sold the property. Councilman Petronis offered to work with DeCrescente's on a potential agreement.

Agenda Items Resolutions #44 thru #50

Resolution #44 **Authorizing Engineering Services In Connection With the Water Transmission Main Extension along Cold Springs Road and Elmore Robinson Road**

Introduced by: Supervisor _____

WHEREAS, the attached proposal of The Chazen Companies for engineering services in connection with the water transmission main extension along Cold Springs Road and Elmore Robinson Road are annexed hereto and made a part of hereof; and

WHEREAS, these services are needed in order to extend water from the Saratoga County Water Authority water system to the Town along roadways being reconstructed for the Cold Springs Road project;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes Chazen to perform the described engineering services in an estimated amount of \$28,800.00.

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adopt Resolution #44.

Discussion: Supervisor Kinowski explained the purpose of this Resolution and the funds would come from the Capital Reserve Fund. He also said that there was a possibility that the County would reimburse the Town.

A roll call vote was taken as follows on Resolution #44:

Councilman Baker	Absent
Councilman Petronis	Yes

Councilwoman Bruno	Yes
Councilwoman Whitman	Yes
Supervisor Kinowski	Yes

Motion carried. Resolution #44 was adopted unanimously.

Resolution #45 **Accepting the Cold Springs Road Contract #1 Highway Rehabilitation Project as Complete**

Introduced by: Supervisor

WHEREAS, the Town Designated Engineer and the Town of Stillwater Highway Superintendent have recommended that the Town Board accept the Cold Springs Road Contract #1 Highway Rehabilitation Project as complete; and

WHEREAS, the Town Board agrees with the assessment;

Now, therefore, be it

RESOLVED, that the Town Board hereby accepts the construction of the Cold Springs Road Contract #1 Highway Rehabilitation Project as complete.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #45.

A roll call vote was taken as follows on Resolution #45:

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

Motion carried. Resolution #45 was adopted unanimously.

Resolution #46 **Authorizing Engineering Services in Connection with Route 67 Rezoning Amendment**

Introduced by: Supervisor

WHEREAS, the attached proposal of The Chazen Companies for engineering services in connection with revising the land use plan for a portion of the Route 67 Corridor is annexed hereto and made a part hereof; and

WHEREAS, these services are needed in order to assist the Town with rezoning a portion of the Route 67 Corridor in an effort to stimulate economic development;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes Chazen to perform the described engineering services in an estimated amount of \$12,225.00.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #46.

Discussion: Supervisor Kinowski stated that the purpose of this Resolution was to revitalize the area into a light industrial zone which would invite businesses into the area. This would make it easier for a business to establish itself and would be a positive effect for Stillwater. He reported that the cost for this would also come out of the Capital Reserve fund.

A roll call vote was taken as follows on resolution #46.

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

Motion carried. Resolution #46 was adopted unanimously.

Resolution #47 Appointing a Member to the Ethics Board

Introduced by: Councilwoman Whitman

WHEREAS, by virtue of the resignation of Donald Wise from the Ethics Board, a vacancy on the Stillwater Ethics Board exists; and

WHEREAS, a Committee of the Town Board has accepted resumes and conducted interviews of interested candidates for the position; and

WHEREAS, the interview committee has recommended that Patricia Brown be appointed to the Ethics Board to fill the unexpired term of Donald Wise;

Now, therefore, be it

RESOLVED, that the Town Board hereby appoints Patricia Brown as a member of the Ethics Board to fill the vacancy left by the resignation of Donald Wise, effective immediately.

Motion by Councilwoman Whitman and seconded by Councilwoman Bruno to adopt Resolution #47.

A roll call vote was taken as follows on Resolution #47 as follows:

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

Motion carried. Resolution #47 was adopted unanimously.

Resolution #48 Appointing an Acting Director to the Department of Building, Planning and Development

Introduced by: Supervisor

WHEREAS, Chapter 81 of the Town Code, enacted by Local Law No. 1 of 2007 on January 4, 2007, permits the Town Board to appoint an acting director of the department and to authorize him or her to fulfill the duties and responsibilities of the director as provided in said Local Law; and

WHEREAS, by Resolution No. 1 of 2008 the Town Board purported to amend the title of the Department but did not hold a public hearing to amend the Local Law as required to make the amendment effective; and

WHEREAS, based upon his experience performing many of the duties of the Director during the last two years, the Town Board wishes to formally appoint Raymond Abbey to the position of Acting Director of the Department of Building, Planning and Development in accordance with Section 81-5(6) of the Town Code; and

WHEREAS, Mr. Abbey shall also continue his current duties as a Code Enforcement Officer and Building Inspector for the Town in addition to his duties as the Acting Director;

Now, therefore, be it

RESOLVED, that Raymond Abbey is hereby appointed as Acting Director of the Department of Building, Planning and Development, effective immediately, and shall serve in the stead of the Director, and shall exercise all of the authority, fulfill all duties and enforce all laws as assigned to the Director by Chapter 81 of the Town Code until further appointment or designation by this Board; and be it further

RESOLVED, that portion of Resolution No. 1 of 2008 amending the title of the Department, and Resolution No. 12 of 2010 scheduling a Public Hearing to amend the Local Law regarding the Department, are hereby rescinded.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #48.

Discussion: Supervisor Kinowski stated that this Local Law was changed inappropriately in 2008 and after reading over the legislation he found that the Town Board has the right to appoint an acting director without going through the process of changing the legislation.

A roll call vote was taken as follows on Resolution #48:

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

Motion carried. Resolution #48 was adopted unanimously.

Resolution #49 Authorizing the Supervisor to Sign Notice to Proceed Regarding Cold Springs Road Corridor Reconstruction Project Contract No. 2

Introduced by: _____ Supervisor _____

WHEREAS, Resolution No. 25 of 2010 awarded the Cold Springs Road Corridor Reconstruction Project Contract No. 2 to Delaney Group, Inc.; and

WHEREAS, the Town now desires the Delaney Group, Inc. to proceed with construction as proved in Cold Springs Road Corridor Reconstruction Project Contract No. 2;

Now, therefore, be it

RESOLVED, that the Town Board hereby authorizes the Town Supervisor sign the Notice to Proceed to have Delaney Group, Inc. commence construction as provided in Cold Springs Road Corridor Reconstruction Project Contract No. 2.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #49.

A roll call vote was taken as follows on Resolution #49

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

Motion carried. Resolution #49 was adopted unanimously.

Resolution #50 Authorizing the Highway Superintendent to Purchase Equipment from State Contract

Introduced by: _____ Supervisor _____

WHEREAS, the Town Board modified Resolution No. 37 of 2010 to provide that the Highway Superintendent could not buy State Contract items without further resolution from the Board; and

WHEREAS, the Town Board now wishes to authorize the purchase of those items;

Now, therefore, be it

RESOLVED, that the Highway Superintendent is authorized to purchase the highway equipment listed on the attachment from State Contract as he deems appropriate.

Motion by Councilman Petronis and seconded by Supervisor Kinowski to adopt Resolution #50.

Discussion: Supervisor Kinowski stated that what the Board is looking for is a proper analysis of what or where monies will be allocated to be supplied to the Board regarding highway even though money is in the budget. The Supervisor has seen the bucket truck and it can be used on a limited basis but probably shouldn't be and has research other option such as renting or leasing. He doesn't feel renting or leasing is an option in the long run for the Town. Supt Minick stated that monies are allocated in the budget for equipment just not specified which equipment. He reported that there is a bucket truck readily available for pick up in July, it's a long reach bucket truck with a life expectancy of 20+ years and the cost is \$145,000. A discussion was held on the availability of funds and life expectancy of the truck. Councilwoman Bruno requested that in the future equipment is identified in the budget. Supervisor Kinowski stated that he will be having budget workshops to appropriately restructure the budget.

A roll call vote was taken as follows on Resolution #50

Councilman Baker
Councilman Petronis
Councilwoman Bruno
Councilwoman Whitman
Supervisor Kinowski

Motion carried. Resolution #50 was adopted unanimously.

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

Introduced by: Supervisor

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 *pertaining to Cold Springs Road Corridor Improvement Contract No.1* to provide for funding and/or reimbursement of expenses related to the Cold Springs Road Corridor Improvement Project Contract No. 2 *so long as there is no expense borne by, or not reimbursed to, the Town of Stillwater.*

A motion by Councilwoman Whitman, seconded by Councilwoman Bruno, to TABLE Resolution #16.

A roll call vote was taken to TABLE Resolution No.16 as follows:

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

Resolution No. 16 was TABLED, as amended, at a meeting of the Town Board of the Town of Stillwater duly conducted on March 18, 2010.

Motion by Councilwoman Whitman and seconded by Councilman Petronis to reintroduce Resolution #16.

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

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

Motion carried unanimously.

Motion by Councilman Petronis and seconded by Councilwoman Whitman to adopt Resolution #16 as amended.

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

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

Motion carried. Resolution #16 was adopted unanimously as amended.

Public Input

John V questioned Resolution #48 as to whether he would need to take a test for the position acting director.

Supervisor Kinowski stated that there was no need to take a test and to direct any other questions regarding this matter to the County personnel.

Charles C. inquired about Resolution #44 and commented on the water source for Water District #1.

Supervisor Kinowski stated that the Town & Village of Stillwater and City of Mechanicville entered into a shared service grant which has failed in some aspects. The Village went ahead obtained funds for a water line which will solve their water problems. The projection is that the average resident water bill in water dist #1 will go down approximately \$200 a year.

The purpose of this resolution is to have the water transmission line put in prior to Elmore Robinson Road being paved because the line will be going down the middle of the road. .

Tony B inquired as to the Towns plans if no money was received from the County for the water line and asked how successful the Town was in obtaining grants.

Supervisor Kinowski stated that they would try to obtain grants.

Engineer Lanaro stated that the Town has not received grants for water to date.

Supervisor Kinowski stated that the scoring system has not been high enough to receive grants. Further discussion was held on the scoring system.

Art F questioned if Mechanicville would be able to help with the water line on Route 67, Resolution #48 in regard to pay scale and if there was an open access to the Multi Use Trail at the south end.

Supervisor Kinowski stated that the Mechanicville water line could possibly be helpful, there is no increase in pay regarding Resolution #48 and a lot of research needs to be done in order to determine if there is a Town easement at the south end of the trail. He stated that he was going to see if any of the petitioners had time to go up to the County and research this.

Marty D inquired to the cost of putting in the water line.

Supervisor Kinowski was unsure of the cost at this time.

Reports

Supervisor Kinowski

911 issues: Supervisor Kinowski stated that there have been several issues that have come out of the 911 renumbering along Route 4 & 32. At this time it is requested that when calling in an emergency they use landmarks to identify the area and use both the new & old number.

Budget workshop: Supervisor Kinowski stated that he would like to set a date for a budget workshop and go over the 2010 budget with Board members. The consensus of the Town Board was to set Tuesday, June 29th at 6:30 for the workshop.

Ethics Forms: Supervisor Kinowski stated that the ethic forms have been handed out and would like them returned as soon as possible.

Community Center/Family Day: Supervisor Kinowski stated that he is waiting for a final budget of monies received and expenditures from the Community Center in regard to Family Day. He also questioned as to who owns the Family Day Float.

Parks: Supervisor Kinowski stated that he would like to discuss the future development of the Town parks at the budget workshop.

Audited Claims

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

General	#261-#287	\$9,896.55
Highway	#90-#92	\$8,356.10
Town Outside	#258-#284	\$197,523.53
Water & Sewer	#44-#52	\$7,640.87
Capital Projects (CSR)	#44-#52	\$15,117.60

Motion carried

Motion by Councilman Petronis and seconded by Councilwoman Bruno to adjourn the June business meeting and enter into executive session for litigation matters at 8:30 PM. **Motion carried.** (Note: The Town Board would not be acting on any business or going back into the business meeting this evening).

Respectfully Submitted by,

Sue Cunningham
Stillwater Town Clerk